

SENATE.

MONDAY, June 9, 1902.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.
The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.
The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It is approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

A bill (S. 1037) granting an increase of pension to Helen A. B. Du Barry; and
A bill (S. 2975) granting an increase of pension to Levi Hatchett.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 4071) granting an increase of pension to George C. Tillman;
A bill (S. 4927) granting an increase of pension to Hattie M. Whitney;
A bill (H. R. 949) for the relief of Charles H. Robinson;
A bill (H. R. 1992) granting the right of way to the Alafia, Manatee and Gulf Coast Railway Company through the United States light-house and military reservations on Gasparilla Island, in the State of Florida;
A bill (H. R. 7034) for the relief of Navajo County, Ariz.;
A bill (H. R. 7687) granting an increase of pension to Charles C. Washburn;
A bill (H. R. 8736) ratifying the act of the Territorial legislature of Arizona, approved March 2, 1901, providing a fund for the erection of additional buildings for the University of Arizona;
A bill (H. R. 9592) granting a pension to Emily Briggs;
A bill (H. R. 12085) providing for the completion of a light and fog-signal station in the Patapsco River, Maryland; and
A bill (H. R. 12798) providing for free homesteads in the Ute Indian Reservation, in Colorado.

PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington presented a petition of the Central Labor Council of Whatcom, Wash., praying for the enactment of legislation increasing the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLARK of Montana presented a petition of the Woman's Christian Temperance Union of Handy, Mont., praying for the enactment of legislation providing an educational test for immigrants to this country, and also to prohibit the sale of intoxicating liquors in the Capitol; which was referred to the Committee on Immigration.

He also presented a petition of the Captain Charles French Chapter, No. 164, Spanish-American War Veterans, of Great Falls, Mont., praying for the enactment of legislation to prevent the desecration of the American flag, etc.; which was referred to the Committee on Military Affairs.

Mr. MALLORY presented a petition of sundry citizens of Florida, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. FRYE presented resolutions adopted by Lafayette Post, No. 140, Department of New York, Grand Army of the Republic, commending the conduct of the Army of the United States in the Philippine Islands; which were referred to the Committee on Military Affairs.

He also presented a petition of the board of alderman and the common council of Lowell, Mass., praying for the enactment of legislation to increase the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally each with an amendment, and submitted reports thereon:

A bill (S. 6015) granting an increase of pension to Clara M. Gihon;
A bill (S. 5882) granting an increase of pension to Merzellah Merrill;
A bill (H. R. 12384) granting an increase of pension to George W. Shaw; and

A bill (H. R. 3500) granting an increase of pension to Kate O. Phillips.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 3677) granting an increase of pension to James F. Gray, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 12995) granting a pension to John Lilley, to report it adversely. I move that the bill be postponed indefinitely, the soldier having died since the bill was introduced.

The motion was agreed to.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (H. R. 3641) for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act, approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc., reported it with amendments, and submitted a report thereon.

ESTHER D. HASLAM.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 6021) granting an increase of pension to Esther D. Haslam, to report it favorably without amendment. As this is a very urgent case, I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Esther D. Haslam, widow of Thomas Haslam, late second lieutenant Company K, Twenty-sixth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION BY COMMITTEE ON INDIAN AFFAIRS.

Mr. JONES of Arkansas. Some days since the Senate adopted a resolution directing the Committee on Indian Affairs to investigate certain charges made against Hon. William A. Jones, Commissioner of Indian Affairs. I submit a report on the resolution, which I ask to have read.

Mr. HALE. Will it answer—

Mr. STEWART. It ought to be read. It is very short.

Mr. JONES of Arkansas. There were certain charges made against the Commissioner of Indian Affairs for some alleged bad conduct in connection with the sale of certain Indian lands. The Committee on Indian Affairs was directed to inquire into the truth of those charges. This is a report of twenty lines exonerating the Commissioner of Indian Affairs, and I think it ought to be acted on by the Senate as soon as possible.

Mr. HALE. I have no objection.

Mr. JONES of Arkansas. I suppose it will not take three minutes.

Mr. HALE. I did not know the Senator proposed action, and it is a short report.

The PRESIDENT pro tempore. The report will be read.

The report was read and agreed to, as follows:

The Committee on Indian Affairs, in obedience to the following resolution—

"Resolved, That the Committee on Indian Affairs be, and it is hereby, authorized and directed to investigate certain alleged charges in connection with the leasing of the Indian lands on Standing Rock Reservation, contained in a letter of W. V. Wade in Senate Document No. 212, first session Fifty-seventh Congress; and for that purpose to send for persons and papers, take testimony, and have leave to sit during the sessions of Congress; and that the necessary expenses be paid from the contingent fund of the Senate on vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate"—

have thoroughly investigated the alleged charges in connection with the leasing of the lands on Standing Rock Reservation.

It summoned W. V. Wade, upon whose letter the charges seem to have been founded, together with all persons of whom it could hear who were supposed to have any knowledge of the facts in the case, and upon a thorough investigation of all parties, the committee are satisfied that there is no foundation whatever for the charges made.

The testimony taken in the case is herewith submitted. It will be seen from this that Mr. Wade admits that the language used by him in the letter referred to was based on rumors and that positive proof was adduced showing that Commissioner Jones had no connection, direct or remote, with the leases in question, and that his conduct in connection with them was entirely unselfish.

The committee are satisfied fully after careful investigation that there is no foundation whatever for the charges made, and they respectfully beg to be discharged from further consideration of the resolution.

MESSAGES AND PAPERS OF THE PRESIDENTS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. GALLINGER December 12, 1901, reported it without amendment;

and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring). That there be printed 9,000 copies of the document known as Messages and Papers of the Presidents, of which 3,000 copies shall be for the use of the Senate and 6,000 copies for the use of the House of Representatives, the remainder, if any, to be held by the superintendent of documents, subject to the future action of Congress; and an edition of 10,000 copies shall be printed, to be held by the superintendent of documents and by him sold at the actual cost of publication.

BILLS INTRODUCED.

Mr. FAIRBANKS introduced a bill (S. 6108) to correct the military record of John M. Benson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HEITFELD introduced a bill (S. 6109) to renew and extend certain letters patent; which was read twice by its title, and referred to the Committee on Patents.

Mr. GALLINGER introduced a bill (S. 6110) granting an increase of pension to Charles A. Cooke; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 6111) to authorize the Secretary of War, in his discretion, to favor American-built ships in the transportation of Government supplies to the Philippines across the Pacific Ocean; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FRYE introduced a bill (S. 6112) granting an increase of pension to Daniel J. Hogan; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 6113) granting an increase of pension to James H. Preston; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CARMACK introduced a bill (S. 6114) for the relief of John V. Wright; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6115) for the relief of Sue M. Milhous; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURTON introduced a bill (S. 6116) for the protection of stock raising on public lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WARREN introduced a bill (S. 6117) for the relief of George Lea Febiger; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill (H. R. 11997) granting to the Hawaii Ditch Company, Limited, the right of way over public lands in the districts of North and South Kohala, in the island of Hawaii, for the purpose of constructing and maintaining ditches or canals and the necessary reservoirs, dams, and the like, for irrigation and domestic purposes in said districts; which was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

Mr. HALE (by request) submitted an amendment intended to be proposed to the bill (H. R. 12865) regulating the use of telephone wires in the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. BURTON submitted an amendment relative to sergeant-majors and senior quartermaster-sergeants in the Marine Corps, intended to be proposed by him to the naval appropriation bill; which was ordered to lie on the table, and to be printed.

He also submitted an amendment proposing to increase the number of pharmacists in the Navy, intended to be proposed by him to the naval appropriation bill; which was ordered to lie on the table, and to be printed.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. GALLINGER. I ask to have printed a list furnished me by my late colleague, Mr. Chandler, being a list of the principal speeches and reports made in Congress in recent years on the election of United States Senators by the people. It is a very brief paper, and I move that it be printed as a document, as it will be very convenient for reference.

The motion was agreed to.

HENRY A. B. DU BARRY.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1037) granting an increase of pension to Helen A. B. Du Barry having met, after full and free conference have

agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

J. H. GALLINGER,
J. R. BURTON,
T. M. PATTERSON,
Managers on the part of the Senate.
C. A. SULLOWAY,
HENRY R. GIBSON,
Managers on the part of the House.

The report was agreed to.

WILLIAM C. HICKOX.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4103) granting a pension to William C. Hickox having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows:
In lieu of the sum proposed by the Senate insert "\$16;" and the Senate agree to the same.

J. H. GALLINGER,
J. C. PRITCHARD,
Managers on the part of the Senate.
C. A. SULLOWAY,
S. W. SMITH,
J. A. NORTON,
Managers on the part of the House.

The report was agreed to.

SOLOMON P. BROCKWAY.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10545) granting an increase of pension to Solomon P. Brockway, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate insert "\$24;" and the Senate agree to the same.

P. J. McCUMBER,
JOSEPH SIMON,
JAMES P. TALLAFERRO,
Managers on the part of the Senate.
HENRY R. GIBSON,
H. B. DARRAGH,
Managers on the part of the House.

The report was agreed to.

CRIMINAL, PAUPER, AND DEFECTIVE CLASSES.

Mr. NELSON. I have a short article by Arthur MacDonald, of Washington, D. C., relating to the criminal, pauper, and defective classes. There is a bill relating to this matter pending before the Committee on the Judiciary, and I move that the paper be printed as a document and referred to that committee.

The motion was agreed to.

CONSULAR REPORTS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Printing:

To the Senate:

In response to the resolution of the Senate of March 2, 1901, directed to the Secretary of State, I transmit a communication from that officer submitting reports from consular officers of the United States giving an account of each consulate and consular agency, showing its principal industries and exports, the surrounding climatic conditions, the general cost of living, and similar information.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, June 9, 1902.

NAVAL APPROPRIATION BILL.

The PRESIDENT pro tempore. Is there further morning business?

Mr. HALE. I move that the naval appropriation bill be taken up.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Maine to the fact that the Senator from North Carolina [Mr. SIMMONS] gave notice that immediately after the routine morning business to-day he would address the Senate.

Mr. HALE. I think the Senator from North Carolina will not object to going on with the appropriation bill. I should like to take it up anyhow.

The PRESIDENT pro tempore. The Senator from Maine moves that the Senate proceed to the consideration of the bill.

Mr. SIMMONS. Mr. President, has the morning business been concluded?

The PRESIDENT pro tempore. The morning business is closed, and the Senator from Maine moves that the Senate proceed to the consideration of the naval appropriation bill.

Mr. SIMMONS. I should like to state to the Senator from Maine that I gave notice last Friday I would submit some remarks to the Senate this morning at the close of the routine morning business on the bill for the establishment of a park in the Southern Appalachian Mountains, and I should like to proceed now, according to the notice I gave.

Mr. HALE. I shall make my course in the matter subject to the convenience of the Senator from North Carolina. I should like very much to have the naval appropriation bill taken up. It has no controversies in it and will not take a long time, and everybody is desirous that we shall get the appropriation bills out of the way. I have no doubt the Senator so feels. If he had as lief wait until after the appropriation bill is finished, I would prefer to go on, but still in this matter, as I said, I yield to his convenience about it.

Mr. SIMMONS. I would very much prefer, if it meets with the Senator's approval, to go on now. I shall get through in time for him to have the bill taken up.

Mr. HALE. Very well. Then let me get the bill up and then I will yield to the Senator.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Maine.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, which had been reported from the Committee on Naval Affairs with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the amendments be considered in their order. When this is agreed upon I will yield to the Senator from North Carolina.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none, and it is so ordered.

"FIVE YEARS IN PANAMA," BY DR. NELSON.

Mr. MORGAN. The Senator from North Carolina kindly yields to me for a moment.

Mr. SIMMONS. It will take only a short time?

Mr. MORGAN. Oh, yes; only a short time.

Yesterday I obtained a work from the Public Library that I did not know of before, entitled *Five Years in Panama*, written by Dr. Wilford Nelson, who resided there as a practicing physician for five years—from 1881 to 1886. I am having copied a number of extracts from that book. I ask leave to have them printed as a document for the information of the Senate. Of course the book will find its way into the RECORD in the debate, and the cheapest and easiest way to get it before the Senate is to print as a document the extracts from it that I desire to have printed.

The PRESIDENT pro tempore. Will the Senator inform the Senate to what extent he desires to print extracts from the book?

Mr. MORGAN. I can not state by the pages of the book, but it will make about 15 or 20 pages of octavo matter.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Alabama?

Mr. HALE. What is the request?

The PRESIDENT pro tempore. The Senator from Alabama asks that there may be printed certain extracts from a book relating to Panama.

Mr. MORGAN. The gentleman who called it to my attention—

Mr. HALE. I do not ask the Senator to explain it. I only want to say that I suppose as we have begun printing all kinds of papers in reference to this subject it would not be fitting to interpose an objection, and I do not. If we ever get out of this course at some time, however, I shall object to essays and private matters being submitted and printed as public documents. As I have said, this has started and pretty much everything has gone in, and I will not object to the Senator's request.

The PRESIDENT pro tempore. Is there objection to the request for printing the matter referred to as a document? The Chair hears none, and the order is made.

SOUTHERN APPALACHIAN FOREST RESERVE.

Mr. BURTON. With the permission of the Senator from North Carolina, I desire to call attention to Senate bill No. 5228, upon the same subject the Senator is going to talk about. At the proper time when Senate bill 492, for the purchase of lands in the Appalachian range, shall be brought up, I desire to substitute Senate bill 5228 for Senate bill 492, reported by the Senator from North Carolina [Mr. PRITCHARD]. The bill that I refer to and to which I want to call the attention of Senators is the committee bill. It has been carefully protected and safeguarded and meets with the approbation, as I understand it, of both Senators from North Carolina, as well as of the entire committee. I give notice that I shall call the bill up some time during the week when its consideration will not interfere with other business.

Mr. SIMMONS. Mr. President, I had intended to refer to the confusion which has arisen in reference to the bill to which the Senator from Kansas alludes, and upon which he will ask a vote.

It has arisen by reason of the fact that the Committee on Forest Reservations and the Protection of Game has favorably reported during the present session two bills, both providing for the establishment of a national reserve in the Southern Appalachian Mountains.

The first bill is No. 492, which was introduced by my colleague [Mr. PRITCHARD], and which provides for the purchase by the Government of 2,000,000 acres of land at a limit of cost of \$5,000,000. The second bill, No. 5228, which has been reported by the committee as a substitute for the first, is a bill originally introduced in the House by Hon. JAMES M. MOODY of North Carolina, and it provides for the purchase of 4,000,000 acres of land and fixes the limit of cost at \$10,000,000. That is the bill which is before the Senate and upon which I desire to speak.

Mr. GALLINGER. If the Senator will permit me, I presume that during the course of his speech he will explain it, but I have been so busy with other matters that I have not had time to examine the bill. In what States is this land situated? Is it situated in more than one State, I will ask the Senator?

Mr. SIMMONS. Yes, sir. The bill—

Mr. GALLINGER. I presume the Senator will explain that during his speech.

Mr. SIMMONS. I will explain it right now. The exact location of the park is not fixed by the bill, but there is a general provision in the bill that it shall be located in the Southern Appalachian Mountains, in the States of West Virginia, Virginia, North Carolina, South Carolina, Tennessee, Alabama, and Georgia. It is expected, however, that the park will be located in the higher ranges of the Great Smoky Mountains, the Unake Mountains, and the Black Mountains in the Blue Ridge, because of the superior altitude and scenery and because of the unrivaled hardwood and long-leaf forests in those regions; but the exact location of the park within the limits of these States is wisely, I think, left within the discretion of the Secretary of Agriculture.

Four million acres, it is contemplated, shall be purchased under the direction of the Secretary of Agriculture for this purpose, and the limit of cost is fixed at \$10,000,000, because upon thorough investigation the Department reached the conclusion that these lands could be purchased at an average of from two to three dollars and a half an acre. While the limit of cost is fixed at \$10,000,000, only \$2,000,000 of that sum is made available for the next four years, the idea of the committee being that it would be at least ten years before the whole 4,000,000 acres would be purchased and title secured.

The bill further provides as a safeguard that the Secretary of Agriculture shall make an annual report to Congress during the time he is engaged in making purchases of the land of which the park is to be composed.

Mr. President, I have heard but one I might term substantive ground of objection to this bill, and that is that it commits the Government to a new line of policy which may eventually involve the expenditure of large sums of money. I want for a short time to examine this argument, for it is the basic ground of opposition to the bill.

It is well known that during the last ten years there have been organized and established in the United States 41 national forest reservations. These reservations are located in 13 different States. They comprise a total area of 72,000 square miles, the smallest containing about 18,000 acres, and the largest about four and one-half million acres.

Not a single one of these forest reservations is located east of the Mississippi River. It is true that in the region east of the Mississippi River there are a number of so-called military parks or reservations, all of a limited area and for a specific purpose. There are certain battlefield reservations, such as the Chickamauga battle ground and the Gettysburg battle-ground park, also of limited area and established because of the historic interest attaching to those particular spots. But of course these can not be called forest reservations or parks in such a sense as the Yellowstone is a park or the reservations in the West are national forest reservations.

Now, the establishment by the Government within a decade of these numerous and extensive Western reservations would be, I take it, accepted as a precedent for the legislation proposed in this bill and as a sufficient answer to the suggestion that it will commit the Government to a new policy but for the fact that all of these parks were carved out of the public domain, land which already belonged to the Government, while it is proposed by this bill that the Government shall go into the market and purchase the land out of which the park is to be established.

Mr. President, I concede that there is a distinction between the proposition involved in the establishment of these Western reserves and the proposition of this bill, but I think it is a distinction without a substantive difference, because there can not be any material difference in principle between an appropriation of the property of the people and an appropriation of the money of

the people. Whether these Western reserves were originally acquired by purchase, as in the case of the one which is located in what is known as the "Louisiana Purchase," or whether acquired by war, as in the case of those that are located within the territory embraced in the Mexican cession, or acquired by discovery, as in the case of those embraced in the Oregon and Washington territory, in each case the lands were the property of the people and constituted a national asset of considerable value at the time they were organized. Those lands are used for parks, and to-day I am informed (I do not know whether it is correct or not) by a man who I think has knowledge of these matters that the land thus appropriated by the Government if now owned by the Government would be worth at least \$100,000,000.

If those lands had not been appropriated by the Government for this specific purpose they would have been subject to sale, and when sold the money would have been covered into the Treasury and become a part of the property of the people.

Mr. President, while the most of these reservations were carved, as I said, out of the national domain, that is not true of all of them. I do not wish to argue, although I think it would be arguable, that the purchase by the Government of lands for the establishment of military and battlefield parks is a precedent for the proposed legislation, because I think that would be a doubtful argument and I do not wish to get upon doubtful ground, but there is one purchase by the Government for the purpose of a park reservation that is not only analogous, but is identical to that proposed here; as lawyers sometimes say, it is on all fours with it, and that is the purchase by the Government in 1896 from the Blackfoot Indians of a large body of land. I do not know how many acres there were, but I presume a great many, because the price paid by the Government was a million and a half dollars, and the subsequent use made of this land so purchased was to enlarge the Flathead Reservation in Montana.

So, Mr. President, I submit that if the purchase by the Government of these large bodies of land in the West for forest reserves is differentiable in letter it is certainly not differentiable in substance and spirit from the proposition in this bill. Hence, Mr. President, the friends of the bill insist that it does not commit the Government to any new line of policy, but that the establishment of parks and forest reservations has become a well-settled policy of the Government. If it is not already the settled policy I think it is a wise policy, and the sooner we enter upon it the better.

There is hardly a European government, Mr. President, which has not realized the importance and necessity of bringing its mountain forests under government control and ownership. In a number of European countries, notably France and Italy, where deforestation has resulted in the destruction of immense tracts of agricultural lands, impoverishing a great number of farmers and peasants, the Government has entered upon the more costly and the more difficult scheme of reforestation.

I shall not discuss that feature of the subject further than to say that in the last thirty years France has spent \$40,000,000 in an attempt to restore conditions to where they were before the mountain-side deforestation began, and Italy, comparatively a poor country, has spent at least \$12,000,000 in attempting the same thing in order to save the valley lands that are being destroyed by reason of the deforestation of her mountains. Although I had intended to do so, I shall not enter upon that line of discussion, because the distinguished Senator from New York [Mr. DEFEW], who spoke on Saturday with a knowledge gained from actual observation of these matters, covered that branch of the subject very thoroughly and very effectively.

Now, Mr. President, I wish to refer to a suggestion which has been made, though not upon this floor, but on the outside and in private conversation with Senators, that there was some private financial interest behind this bill; that there was possibly some job in it; that somebody wanted to unload upon the Government certain worthless lands.

Mr. President, there is no foundation for this suggestion. First, because there are no large holdings, either private or corporate, within the limits prescribed by the bill. My understanding is that the largest single holding of lands within this area is about 5,000 acres, and as far as I know or as I have ever heard there is nobody urging this legislation who has any financial interest in it.

But, Mr. President, as I said in the outset, the bill very wisely, I think, places the purchase of these lands in the hands of the Secretary of Agriculture and I see no reason why anyone should apprehend that the slightest imposition would be practiced upon the Government when the Secretary of Agriculture, for whom we all have the highest regard, stands between the Government and such a job as that. There is absolutely no foundation, I think, in fact, for the suggestion.

Neither, Mr. President, is there any foundation for the suggestion that this is a local measure—that is, local in the sense

that it is intended to benefit especially only three or four or five States. The measure is essentially national in its features. The agitation in favor of this legislation came originally not from the section of country where the park is to be located, but it was a sort of spontaneous movement that seemed suddenly to spring up in all parts of the country.

The first definite and organized movement in favor of it, it is true, was the action of the association known as the National Southern Appalachian Park Association, organized in the city of Asheville, but Asheville, although it is a small place, is one of the most cosmopolitan towns in America, and the membership of this association is not confined to residents of that locality, but it comprises prominent men from every part of the Union. This was the first association that brought this matter to the attention of Congress, and it did it in a memorial of singular force and clearness, setting forth the national features of the bill.

Upon this initiative a similar organization in Boston followed, known, I think, as the Appalachian Mountain Club of Boston, organized away back yonder in 1878, containing about 1,200 members, most of them living in New England, but it has members, I understand, residing in other parts of the country. This organization followed that of North Carolina in a memorial to Congress, and after that there were more than a dozen, I think, of the leading scientific and trade associations of the country which likewise memorialized Congress in favor of this measure. Among these are:

The American Association for the Advancement of Science, the largest and most representative body of scientists on the continent, which met in New York in June, 1900; the American Forestry Association, with a large membership, including the forestry experts from all parts of the country, which met here in Washington December 13, 1900; the National Board of Trade, which met in this city in January, 1901, and various other trade and scientific organizations in different parts of the country.

Mr. President, there is one resolution about this matter recently passed by an association of great importance which I wish to specifically call to the attention of the Senate. It is a resolution adopted by the National Hardwood Lumber Association at St. Louis, May 16 of this year. That association, I am informed, has the largest membership and capital of any similar association in the world. It was organized for the purpose of protecting the interests of the hard-wood manufacturers of the country. I wish to read it. It is very brief:

Whereas the numerous forest reserves established by the National Government are all located in the West and not one of them embraces any portion of the great hard-wood forests of the country:

Resolved, That the National Hardwood Lumber Association respectfully urges upon Congress the importance of establishing the proposed National Forest Reserve in the hard-wood region of the Southern Appalachian Mountains, both as a means of preserving these mountains and preventing disastrous floods, and also as a means of demonstrating to the people of this country what can be done in the way of using hard-wood forests, and at the same time perpetuating them for the benefit of future generations.

The subject, Mr. President, having thus been brought to the attention of the American people by these scientific and technical associations, the general press of the country took the subject up and discussed it approvingly, and I may say enthusiastically, all over the country. I discover in the very convincing and comprehensive report made by the Secretary of Agriculture upon the feasibility of this scheme and its desirability from a national standpoint the names of 49 of the leading educational, religious, political, scientific, and technical newspapers of the country, all of them of national prominence and importance. Among these are such papers as the New York Tribune, Baltimore Sun, Providence Journal, Cleveland Leader, New York Lumber Trade Journal, Forest and Stream, St. Louis Star, Pittsburg Commercial Gazette, New York Herald, Knoxville Times, New Orleans Picayune, Indianapolis News, Chicago Times-Herald, and Scientific American. These publications speak in terms of the highest commendation of the movement as one of national interest and importance, and urge upon Congress immediate and favorable action.

Not only this, Mr. President, but, as the distinguished Senator from New York [Mr. DEFEW] stated on Saturday, the late President McKinley in a message to the Senate strongly advocated the establishment of this reservation, and the present Chief Executive, in a message to this Senate during this session, vigorously presses upon Congress the importance from a national standpoint of the establishment of this park. So I think it can safely be said that this is not a local scheme, but that it comes to Congress urged and indorsed by a great variety of interests in all parts of the country.

Now, what are the great national purposes to be subserved by the creation of this park? In connection with all questions looking to the preservation by the Government of forests there are two primal and overshadowing considerations. First, the protection from destruction of the national timber and wood and fuel supply; and, secondly, the effect of deforestation upon the

climate, land erosion, and the regularity of the flow of streams as affecting agriculture, manufacturing, and commerce.

Mr. President, without crediting all the predictions of alarmists in reference to the destruction of our national supply of timber, it must be obvious to everybody that the available supply of timber in this country at large is rapidly disappearing. The amount of woodland area in 1880—I have not been able to get the correct data since then—in proportion to the total land area of the country was 37 per cent. Since that time we all know there have been cuttings and clearings for agricultural purposes and for lumber, which has greatly reduced the amount of this percentage, and to-day it is very much less than it was in 1880. I can only make an estimate—and that estimate I make after conferring with scientists familiar with this subject—and that is at present there is certainly not over 27 per cent of the total area of land in the United States that is covered by available timber land. In many sections of the country where fifty years ago there seemed to be an abundant supply of timber there is hardly enough left to-day to furnish firebote, woodbote, and housebote.

Mr. President, I do not pretend to speak with the confidence of a full and accurate knowledge as to general conditions in this country upon this subject, but I do claim to know something about the condition in my own State. Thirty-five years ago the great long leaf and loblolly pine forest of my State had been scarcely touched. They were in primal condition; they had only been cut for the purpose of supplying the limited demand of a sparsely settled agricultural community, and the supply seemed inexhaustible. On account of the great demand for lumber and the partial failure of the supply in other parts of the country, about twenty years ago the lumberman turned his attention to the South, and since that time there has been going on in my State a process of deforestation that threatens to destroy the great pine forests of that State.

The hard-wood region of my State, which is chiefly in the western and mountainous section, has been to some extent exempt from this process of denudation, because of its inaccessibility and the lack of transportation; but even in the mountain region of my State, along the railroads and streams, already much of the finest hard-wood timber has been cut, and I do not think I hazard anything in saying that, if this process continues as it has for the last two decades, in another generation, not only the pine forests, but the hard-wood forests of my State will have been robbed of all of their timber.

What has been going on in my State I believe has been going on in nearly every other State of the South during the last twenty years, and what has happened there has happened heretofore in most of the States of the Union.

The demand for lumber is so great that the only hope against the total destruction of the available lumber supply of the country is in the Government taking hold of this question and setting aside here and there great reservations, to be cut only when the timber is ripe, and then in limited quantities and under Government and expert supervision.

Mr. President, as important as the consideration of the preservation of the timber supply of the country is, there is another consideration of national importance, of more concern even than that, and that is the effect of the destruction especially of mountain forests upon navigation.

The effect of deforestation upon the regularity of water flow and the consequent navigability of streams is well known. This effect is much greater in streams in hilly and mountainous regions than in streams that have their rise and flow through coastal regions, but even in a comparatively level country the effect of deforestation upon land erosion and the regularity of the water flow is very frequently disastrous.

I have in mind as an illustration of this fact a certain river in my State, one of the largest rivers in that State, and the only large river in it which flows directly into the ocean. I refer to the Cape Fear River. Three generations ago, before deforestation began along the banks of that river, or before it had progressed to any considerable extent, that river was navigable all the year round 125 miles into the interior, up to the old historic town of Fayetteville, for light-draft ocean vessels drawing 5½ feet. Fayetteville was then a port of entry and a distributing point of a large part of Virginia, South Carolina, and Tennessee, as well as central and western North Carolina. The watershed of this river is rich and fertile, and in that time 75 per cent of it has been cleared, and most of the timber has been cut off of the other 25 per cent. As a result of this deforestation along that river, which runs through a comparatively level country, although it takes its rise in the foothills of my State, notwithstanding all the money that the Government has expended in dredging out the channel and in building jetties, its governing depth of water for eight months of the year is only 21 inches, as against 6 and 7 feet before this deforestation.

Recently that stream has been examined by an engineer of the

Government for the purpose of ascertaining what it would cost and whether it is feasible to restore its original depth of water, and his report made to this Congress shows that it will cost \$1,300,000 to restore the original depth of 6 or 8 feet the year round, and that it can only be done by a system of slack-water dams and locks, and this Congress has made an appropriation to begin the work of constructing these locks and dams. So that here is a case where, as the result of deforestation, the governing depth of the water in a stream has been reduced from 6 and 8 feet to 21 inches, and it will cost the Government one and a quarter millions dollars to restore that depth.

But, Mr. President, as great as are the effects of this deforestation upon streams running through hilly and lowland countries, it is infinitely greater in streams taking their rise in mountains, because of the greater elevation and the more rapid flow of the water as a result of that greater elevation.

I know nothing about it myself, but scientists who have investigated this question assert that if you remove the forest covering from the Southern Appalachian Mountains or from any other Southern mountains with as great a waterfall as they have there, a waterfall on the average of from 70 to 100 inches a year, the result will be the washing away of the land surface of these mountains, and they will become in a comparatively short time as barren as the mountains and the hills of Palestine and those of southern France have become under like circumstances. In this Southern Appalachian region it is the forest cover alone that protects the soils from erosion and preserves the regular flow of the streams.

In the far Western part of our country, where there is an almost total absence of forest, these effects do not follow because of the slight rainfall there, being from 5 to 20 inches a year. In New England, where there has been great deforestation, there is measurable protection from these results by the comparatively light rainfall, being only about one-half of that of the Southern Appalachian region, but there are other reasons why this result has not followed deforestation in New England and the North. In the New England and other Northern States as far west as Minnesota the glaciers have left innumerable lakes which serve as natural reservoirs for the storage of water and for regulating its flow in the streams, and everywhere over this surface have deposited deep beds of gravel and sand which possess a storage capacity for water almost equal to that of the lakes.

So influential are these two agencies that in many regions, even where the forest is largely removed, the streams have a fairly regular flow and the value of the water powers has been fairly maintained. Furthermore, in the cooler climate of this more northern region grasses grow with great vigor, and even on the cleared land surfaces they form a dense sod, which holds the soil in place, and as the rain descends it catches and holds the water until it soaks into the soil beneath, from which it emerges weeks or even, perhaps, months later.

As will be readily seen, such a favorable combination of conditions naturally preserves the regularity in the flow of the streams and prevents the erosion of the land surfaces, and consequently prevents the silting up of the streams. In this Southern Appalachian region, however, we have higher mountains, and hence steeper mountain slopes; we have a heavier rainfall than that in the New England and other Northern States; we have no lakes or other natural reservoir basins; no extensive deposits of sand or gravel such as the glaciers have elsewhere left; the grasses do not grow vigorously nor sod readily, and consequently they do not hold the soil and prevent its erosion as they do in New England. Hence, as soon as the forest is destroyed the erosion of the land surface begins and continues rapidly until the soil is removed and the hard-rock surface reached. Therefore, it is literally and absolutely true that the destruction of the forests in this Southern Appalachian region means the destruction of the streams, the destruction of the soils, and ultimately the destruction of the mountains themselves.

The process by which this protection is afforded by the forest covering is simple. The myriads of independent and separate raindrops are broken in their downward descent by contact with the twigs and leaves of the trees and fall in a spray on the surface vegetation below—the herbs, the flowers, the ferns, and grass—and is received by the porous humus, and thence soaks into the soil below. There it is held as in a reservoir, and finally, weeks and months later, passes off through the rock crevices into the basin of the watershed below, and thence into the ocean. By this gradual absorption, percolation, and outflow the moisture necessary to plant life and to health is preserved and the regularity of water flow maintained.

Now, remove the forest coverings from these mountain sides and summits, and these raindrops batter the soil in some instances into a hard, compact surface, over which the water flows in a sluice immediately into the drainway, and in other instances, according to the character of the soil, these raindrops batter the

soil to pieces, and both soil and water are precipitated into the basin below. In both instances the water is, in a few hours after the rain falls, on its way to the sea. The first effect of this sudden precipitation of the rainfall into these mountain streams is an uncontrollable torrent, charged with the debris of mountain erosion, filling the channel of the stream with deposits of the heavier parts of this erosion, sweeping over its banks and distributing itself throughout the valley, washing away the valley surface where the soil is light and the fall greater, and depositing the light sand constituents of the erosion where the fall is less and the valley soil sufficiently firm to resist washing. In the first case the rich soil of the valley is washed away, and in the other it is covered with a sand as dry and lifeless as that of the desert.

The secondary effect of this sudden precipitation of water into the mountain streams is the loss of the water supply which, had it entered the soil by absorption, would have been held for weeks and months in reserve, furnishing needed moisture for vegetable life and gradually passing off into the natural drainway, so as to preserve the regularity of the water flow of the streams.

The effect of this erosion and these alternating floods, caused by deforestation, upon the navigation of the streams having their headwaters in mountain regions is self-evident. The deposits from this erosion are not confined to the upper sections of these streams, but extend downward throughout its whole length, finally silting up the harbors. The effect of these alternating freshets and droughts upon water power for industrial purposes is equally obvious, for the value of water for motive power depends not so much on the maximum supply as upon reasonable regularity in its flow.

In all the Eastern States water power is an important industrial asset. On the streams having their sources in this proposed forest reserve the power already developed represents an annual asset of \$2,000,000 to \$3,000,000 and operates manufacturing enterprises valued at \$30,000,000. The remaining available but undeveloped 1,000,000 horsepower would represent an annual asset of \$20,000,000 to \$30,000,000 and would operate manufacturing plants valued at \$300,000,000.

But owing to the absence of lakes and glacial gravels in the Southern Appalachian region the future maintenance of these values is inseparably connected with and dependent upon the preservation of the forests about the headwaters of these streams. This fact is illustrated by recent measurements of two streams in North Carolina; one of them with 90 per cent of its drainage area still forest covered had a greater dry-season flow of water than did the other with six and one-half times the drainage area, of which area only 25 per cent was forest covered and had only a slightly less rainfall.

Until a comparatively recent period the region embraced in the Southern Appalachian Mountains, where it is expected that this reserve will be located, was but sparsely settled, and its settlement was confined almost entirely to the valleys.

The advent of railroads in this section has brought about a change in these conditions. The population has greatly increased and is rapidly increasing. The valley lands have nearly all been cleared and brought into cultivation; the farmer and the lumberman have begun to encroach upon the mountain sides in search of more land and timber. It is estimated that now 24 per cent of the lands in this area have been either cleared for agricultural purposes or denuded of timber. As a result of this deforestation already the effects I have before described are beginning to be seen and seriously felt.

Last summer I traveled several hundred miles, partly by private conveyance, across these mountains and through these valleys. All along the route, here and there, far up on the mountain sides, with slopes ranging from 20 to 40 degrees, often so steep that cultivation was limited to the hoe, there were farm clearings. Everywhere on these slopes and in the mountain coves was the debris of the lumberman or of the bark hunter—for the bark hunter in that section has been about as destructive to the timber interests as the lumberman himself.

Some of these mountain-side farms were in cultivation, but many of them had been abandoned as worthless, and stood there barren and bleak, furnishing a water slope filled with gulleys and gorges, too poor for further cultivation, too poor and being washed away too rapidly to permit of its reproducing forest growth. The agricultural life of one of these clearings is, under varying conditions, from three to ten years. In that time the fertility of the soil has all been leached away, and it has become worthless and been abandoned.

On this trip I stood upon Whiteside Mountain, one of the finest summits in the Southern Appalachian region. It rises nearly 2,000 feet from the valley below. From the summit of this mountain I saw on the slopes of the nearest mountains about 25 of these mountain-side farms. Only about half a dozen of them, however, were in cultivation. Most of the balance had been worn out and abandoned and stood there desolate and bare, as they will probably

stand until the end of time. The valleys through which I traveled were fertile, but the floods of that year had washed away the surface soil of many of those farms, rendering them almost valueless; and in other instances these rich bottoms were covered with a white sand, as dry and lifeless as the sands of the desert, the deposit of the floods. At one place I passed, while on this trip, for nearly a mile down the valley of the Catawba, and on either side of this stream at this point the valley was covered with a sand bank from 8 to 7 feet deep.

I was told before the flood which left this deposit these valley lands were worth \$100 an acre. After the flood they were not worth 100 cents. In one of the near-by counties to the section I visited the very freshet which had deposited this sand bank in the rich valley of the Catawba had left hundreds of people desolate, had swept away their stock, their fences, their houses, and destroyed their crops. In another county a later flood came near sweeping away the whole town of Marshall, in which my colleague lives. It did actually sweep away his office and destroyed his valuable law library.

The damage done to agricultural lands and other property along the streams rising in the Southern Appalachian region by floods in the summer of 1901 is estimated by the Secretary of Agriculture to have been not less than \$10,000,000. "Along one river in North Carolina, the Catawba, to which I have before referred, bridges, mills, crops, and farm lands for 200 miles, valued at \$1,500,000 were swept away by the storms of May and August, 1901."

"In one valley in Mitchell County, to which I have before referred in general terms, a valley largely cleared of forests, the storm of last May wrought damages estimated at more than \$500,000." The damage to the property of the Southern Railway, which penetrates these mountains in various directions, by these storms during the last twelve months is estimated at more than \$1,000,000, while its loss in traffic was also large. The storms of December, January, and February just passed have rivaled those of the spring and summer of 1901 in destructiveness. It is estimated by competent authority that the total damages of all kinds along these mountain streams during the past twelve months exceed \$18,000,000. I give below a detailed statement of this estimate, which will show how widespread and extensive were these damages, affecting the people of more than half a dozen States. These estimates have been made with great care by men who are familiar with each of these regions and who have investigated this matter with considerable thoroughness.

Storm damages on streams rising in the proposed Appalachian forest reserve between April, 1901, and April, 1902.

Kanawha, adjacent streams (in Virginia and West Virginia).....	\$1,500,000
Roanoke, James, etc. (in Virginia).....	1,000,000
Watauga (in North Carolina and Tennessee).....	2,000,000
Nolichucky (in North Carolina and Tennessee).....	2,000,000
French Broad (in North Carolina and Tennessee).....	1,500,000
Tuckasegee and Hiwassee.....	1,500,000
Broad, Saluda, and Catawba (in South Carolina).....	1,000,000
Yadkin, Dan, and Roanoke (in North Carolina).....	1,000,000
Catawba (in North Carolina).....	2,000,000
Savannah and Chattahoochee (in Georgia).....	1,500,000
Cosa (in Georgia and Alabama).....	2,000,000
Tennessee and other tributaries.....	1,000,000

Total..... 18,000,000

Both tradition and records show that there have been storms in this Southern Appalachian region at intervals during the past one hundred years perhaps as violent as those of the past twelve months, but never before have such floods and such damages resulted. During the few past decades, and even during the past few years, the floods have been increasing in violence and destructiveness, and almost in proportion as the forest destruction has progressed. And these have been greater in those regions where the cleared land was in largest proportion.

As this deforestation progresses, as it will progress with the increase of population and the lumbering in this section, the loss from these floods will also increase. The fact that these disastrous floods are the direct result of deforestation is supported both by theory and ample and indisputable data. Until recent years no such results have followed even the heaviest and longest-continued rainfall.

Now, Mr. President, the effects of this deforestation are not local. The destruction of land and of property from this cause, it is true, is greater in the mountain and the adjacent plateau regions, but the effects extend to the very mouth of the streams which take their rise in these mountains. The river channels are being silted up all the way to the harbor on the coast: the water powers which extend along these streams for from 100 hundred to 200 miles from their sources are gradually losing their value, and the farm bordering these streams for even greater distances are being destroyed both by floods and by washing.

This applies to all of the great rivers of the South Atlantic States—the Potomac, the James, the Roanoke, the Pedee, the Congaree, the Altamaha—and to other important rivers emptying directly or indirectly into the Gulf, such as the Chattahoochee,

the Alabama, the Tennessee, and the Kanawha, which is one of the most important tributaries of the Ohio.

Mr. BACON. You omitted to name the Savannah River.

Mr. SIMMONS. Yes; the Savannah is another important river taking its rise in these mountains, and there are others I have not named. The Blue Ridge Mountains is the great divide between those which flow northeastward, eastward, or southeastward into the Atlantic and those which flow southward, westward, and northwestward, ultimately reaching the Gulf.

Can it be said that a proposition which affects so intimately the agriculture and the manufacturing of the immediate and adjacent locality, which affects the navigation and the commerce of these great water highways, penetrating a dozen States of the Union, is not a national question? A considerable portion of these lands are located in North Carolina, but the streams which take their rise there spread out and pass through or border nearly all the Southern States and Ohio, Indiana, and Illinois.

Even if North Carolina were able to do what we are now asking the Government to do (and of course it is not, because it would require the entire revenue of the State for several years to purchase the land), it should not be required to do it, because the benefit resulting from the work will be as great to the other States through which these streams run as to North Carolina. It is true that New York and Pennsylvania are establishing local forest reserves, but these will protect the sources of streams lying wholly within their borders, and the benefit is local, confined to the State in which the forest is situated.

Mr. President, I do not desire to detain the Senate to discuss another important phase of this question except in a very general way: That of the establishment of a great national health and pleasure resort. This is a subordinate purpose in the establishment of this great forest reserve, but it is none the less an important one. We all know how rapidly the country is being settled, how population is increasing, how rapidly its lands are being cleared and brought under cultivation, and it is obvious that something should be done to preserve here and there a spot where the tired and weary toiler can come in touch with primeval nature and can find rest and fresh air and space in which to recuperate his exhausted energies. There is not a national park in the whole Eastern region, the nearest being the Yellowstone Park, 2,000 miles away, and there is not a national forest reserve this side of the Dakotas, about 1,800 miles away.

The proposed forest reserve will be within twenty-four hours' ride of more than half the population of the United States—the great cities of New York, Philadelphia, Chicago, and the populous region of the whole North and Central West, as well as the South. It is one of the most beautiful spots upon the earth. On the west are the high summits of the Smoky and the Unaka mountains, and irregularly parallel on the east is the Blue Ridge, while there are hundreds of cross ridges rising from five to more than six thousand feet above the sea level, with valleys and plateaus and table-lands intersected with mountain brooks and streams. Seventy-five per cent of this region is still covered with forests which are generally conceded to be greater in variety and extent than any other hard-wood or broad-leaved forests on the continent.

Many of these mountain slopes and ravines have never yet been invaded by the man with the ax. The mingling here in vigorous growth of the trees and shrubs of Canada with those of the extreme Southern States shows how well adapted is this region in general climatic conditions as a meeting ground for people from all portions of this country. Its light air, which in the valleys is fairly dry, and its salubrious and invigorating climate make it a Mecca for the sick, the tired, and the weary.

The American people as a whole are great lovers of nature, and this tendency should be encouraged. Now more than ever our children, even in their kindergarten days, are taught to see and understand the natural life about them. Our forefathers enjoyed the wild woods of this country, and we of to-day take pleasure in visiting, when we can find them, forests and streams as our forefathers saw them.

We may not now appreciate fully this phase of the subject, but before the present century has passed there will be in this country east of the Mississippi River a hundred million people, and unless some such measure as that now proposed is adopted by this Government there will then be within all this region but few acres of that original forest to be found. As we look forward to these increasing millions, it is one of our duties to anticipate their needs and wishes, and for this they will be grateful, just as we now are grateful for the blessings which our forefathers left to us. With these increasing millions there will be the increasing need for such places of recreation and rest. We have now the opportunity of doing so without great cost, and I think it is our duty to perpetuate these wonderful forests and streams which if once destroyed are destroyed forever, but which if now preserved can be easily perpetuated, the benefits of which protection begin at once and continue indefinitely.

In short, Mr. President, the establishment of this reserve will protect from the vandalism of avarice the finest hard-wood forests on the continent; its proper management under trained Government foresters will not only perpetuate a supply of valuable hard-wood timber but will also work an incalculable benefit as a perpetual object lesson in showing to the American people how such a forest can be utilized by succeeding generations without being destroyed; it will preserve the regular flow of these numerous and large mountain streams, thus protecting from inundation and destruction the fertile agricultural lands bordering these streams through many States. It will preserve unimpaired for indefinite time the many valuable water powers on these various streams, thus sustaining great and varied manufacturing interests.

It will greatly benefit the commerce of all this portion of the country by continuing the navigability of its numerous rivers; and finally it will supply the need, already beginning to be felt, and which will be felt more and more every year, for a great sanitarium where the tired and weary thousands and even millions can for a time get out of the increasing rush of American business life, and in the natural quiet of this great forest, in touch with its picturesque mountains and beautiful streams, breathing its healthful, invigorating air, renew their strength and energies, and thus prolong their lives and labors.

Mr. President, I do not desire to detain the Senate further in the discussion of this question. But I wish to say that if the members of the Senate could see that country as I have seen it, could behold with their own eyes and not with the eyes of another the effects of deforestation upon the agriculture and the commerce and the water power of the streams rising in those mountains, if they could see the surpassing beauty and grandeur of that wild and weird country I do not think there would be a single vote cast in this Chamber against the pending bill, and I sincerely trust there will not be a single vote cast against it.

Mr. President, one other remark personal to myself. Unfortunately I was not in the Senate on Saturday when the junior Senator from New York [Mr. DEPEW] delivered his very eloquent, forcible, and illuminating speech upon this subject, and when it was suggested that a vote might possibly be taken. To my prejudice it has been reported in the press of my State—and I speak of this in the nature of a matter of personal privilege—that my absence from the Chamber at that time, and the fact that I had given notice that I would speak to-day, prevented a vote, and that a golden opportunity for the passage of a bill in which the people of my State are greatly interested was lost. I wish to say that I was not responsible for the failure to take a vote at that time, if there was an opportune occasion, further than the fact that I had given notice that I would make a speech to-day. I wish to state, furthermore, that I am informed by two Senators who have been deeply interested in this question that they would not have permitted a vote to have been taken then because they desired to hear further argument and elucidation before casting their votes. I have said this simply that my absence on Saturday, which was unavoidable, might not be subject to misconstruction in my own State.

TELEPHONE SERVICE IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. Mr. President, several days ago I gave notice that at the conclusion of the routine morning business to-day I would move that the Senate proceed to the consideration of the bill (H. R. 12865) regulating the use of telephone wires in the District of Columbia, an important measure. I see that it is impossible to consider it this morning, and I wish it understood that at the earliest opportunity I will move to take it up for consideration.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes.

The PRESIDENT pro tempore. The bill will be read.

The Secretary proceeded to read the bill. The first amendment of the Committee on Naval Affairs was, under the subhead "Pay of the Navy," on page 2, line 14, to increase the total appropriation for pay of the Navy from \$16,138,199 to \$16,327,699.

The amendment was agreed to.

The next amendment was, on page 4, after line 15, to insert:

ADDITIONAL ROOM FOR THE NAVY DEPARTMENT.

The Secretary of the Navy is hereby authorized to rent a suitable fire-proof building, containing not exceeding approximately 60,000 square feet of floor space, in the vicinity of the State, War, and Navy Department building for the use of the Navy Department for the six months ending June 30, 1903, and the following sums are appropriated therefor: Rent, \$11,375; heating and lighting, \$2,000; in all, \$13,375.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Navigation," on page 6, after line 19, to strike out:

Maintenance of colliers: Pay, transportation, shipping, and subsistence of civilian officers and crews of naval colliers, and all expenses connected with

naval colliers employed in emergencies which can not be paid from other appropriations, \$350,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 6, to insert:

Naval training station, Great Lakes: The Secretary of the Navy is hereby directed to appoint a board, composed of naval officers, whose duty it shall be to select a suitable site for an additional naval training station, and, having selected such site, if upon private lands, to estimate its value and ascertain, as nearly as practicable, the cost for which it can be purchased or acquired, and of their proceedings and action to make full and detailed report to the Secretary, who shall transmit such report with his recommendations thereon to Congress for its action. And to defray the expenses of said board the sum of \$5,000, or so much thereof as may be necessary, to be immediately available, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

Mr. HALE. In line 7 there is a mistake. The words "Great Lakes" should be stricken out.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Bureau of Equipment," on page 17, line 14, after the word "war," to strike out "\$640,000" and insert:

Including the purchase of necessary land, \$640,000: *Provided*, That the unexpended balance of former appropriations made for the establishment of naval coal depots shall be available for purchase of land, and the accounting officers of the Treasury Department are hereby authorized and directed to allow, in the settlement of the accounts of disbursing officers of the Government, all expenditures heretofore made for land purchased for use as naval coal depots.

So as to make the clause read:

Depots for coal: To enable the Secretary of the Navy to execute the provisions of section 1552 of the Revised Statutes, authorizing the Secretary of the Navy to establish, at such places as he may deem necessary, suitable depots for coal and other fuel, for the supply of steamships of war, including the purchase of necessary land, \$640,000: *Provided*, That the unexpended balance of former appropriations made for the establishment of naval coal depots shall be available for purchase of land, and the accounting officers of the Treasury Department are hereby authorized and directed to allow, in the settlement of the accounts of disbursing officers of the Government, all expenditures heretofore made for land purchased for use as naval coal depots.

The amendment was agreed to.

The next amendment was, on page 17, after line 23, to insert:

Maintenance of colliers: Pay, transportation, shipping, and subsistence of civilian officers and crews of naval colliers, and all expenses connected with naval colliers employed in emergencies which can not be paid from other appropriations, \$350,000.

The amendment was agreed to.

The next amendment was, under the head of "Civil establishment," on page 18, line 15, to increase the appropriation for the salary of one clerk in the Bureau of Equipment, navy-yard, Portsmouth, N. H., from \$1,000 to \$1,200; and, in line 17, to increase the total appropriation for the maintenance of the Bureau of Equipment, navy-yard, Portsmouth, N. H., from \$1,950 to \$2,150.

The amendment was agreed to.

The next amendment was, on page 18, line 21, after the word "dollars," to strike out "1 writer" and insert "2 writers;" in line 22, after the word "dollars," to insert "each," and in line 23, before the word "in," to strike out "1 writer, at \$950;" so as to make the clause read:

Navy-yard, Boston, Mass.: For 1 superintendent of ropewalk, at \$1,875; 1 clerk, at \$1,400; 1 clerk, at \$1,300; 2 writers, at \$950 each; in all \$6,475.

The amendment was agreed to.

The next amendment was, on page 19, line 2, after the word "dollars," to strike out "1 writer, at \$950; 1 writer" and insert "2 writers;" in line 4, after the word "dollars," to insert "each;" in line 5, before the word "in," to strike out "1 custodian of books, at \$1,200," and in line 6, before the word "hundred," to strike out "five thousand seven" and insert "four thousand five;" so as to make the clause read:

Navy-yard, New York, N. Y.: For 1 clerk, at \$1,400; 1 clerk, at \$1,300; 2 writers, at \$950 each; in all, \$4,500.

The amendment was agreed to.

The next amendment was, on page 20, line 9, to reduce the total appropriation for the civil establishment, Bureau of Equipment, from \$31,202.52 to \$30,202.52.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Yards and Docks," on page 26, after line 19, to insert:

That there may be appointed under the provisions of section 1413 of the Revised Statutes 33 civil engineers: *Provided*, That no more than three such appointments, in addition to appointments made to fill vacancies arising in course, shall be made in any one calendar year.

The amendment was agreed to.

The next amendment was, on page 28, line 4, after the word "dollars," to insert:

To enable the Secretary of the Navy to make an examination concerning the fresh-water supply at the Portsmouth Navy-Yard, \$500, or so much thereof as may be needed, said examination to include a survey of the ponds which constitute the sources of the aqueduct, an ascertainment of the quality of the water, an inquiry as to its sufficiency for all future needs, and an estimate of the value of the aqueduct, dams, and ponds; and said Secretary shall consider the desirability of controlling, by purchase or otherwise,

solely for the use of the Government, the whole water supply, and he shall make such recommendations on the subject as he may deem expedient to Congress at its next session; for the removal of Hendersons Point, near the navy-yard, Portsmouth, N. H., in accordance with the project recommended in House Document No. 243, Fifty-seventh Congress, first session, \$200,000, to be expended under the direction of the Secretary of the Navy: *Provided*, That a contract or contracts may be entered into by the Secretary of the Navy for such materials and work as may be necessary to prosecute said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$549,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 29, line 3, to increase the total appropriation for "Public works, Bureau of Yards and Docks, navy-yards and stations, Naval Academy, and new Naval Observatory" from \$672,075 to \$872,575.

The amendment was agreed to.

The next amendment was, on page 33, after line 5, to insert:

Condemnation of land adjacent to the Norfolk Navy-Yard: The Secretary of the Navy be, and he is hereby, authorized and directed to cause to be commenced, within three months after the passage of this act, and the Attorney-General is hereby directed to carry on, proceedings for the condemnation of the following tract of land, for the use of the United States for the Norfolk Navy-Yard, and for other purposes, namely: A tract of land known as the Schmollers property, containing some 272.4 acres, more or less, in Norfolk County, Va., and adjacent to the Norfolk Navy-Yard, under the act Congress approved August 1, 1888, entitled "An act to authorize the condemnation of lands for sites of public buildings, and for other purposes," and other laws of the United States, so as to completely vest in the United States the title of said land. And all such proceedings shall be reported to Congress at its next session by the Secretary of the Navy.

The amendment was agreed to.

The next amendment was, on page 34, line 2, after the word "dollars," to insert "purchase of land, twenty-five thousand nine hundred and fifty;" and in line 5, before the word "dollars," to strike out "ninety-three thousand" and insert "one hundred and eighteen thousand nine hundred and fifty;" so as to make the clause read:

Naval station, Key West, Fla.: Quay wall, to continue, \$50,000; coaling pier, to complete, \$23,000; concrete cisterns, \$20,000; purchase of land, \$25,950; in all, naval station, Key West, \$118,950.

The amendment was agreed to.

The next amendment was, under the subhead "Navy-yard, Puget Sound, Washington," on page 35, line 9, before the word "thousand," to strike out "two" and insert "four;" and in the same line, after the word "dollars," to insert "or so much thereof as may be necessary;" so as to read:

Purchase of land, \$4,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 36, line 6, to increase the total appropriation for the navy-yard, Puget Sound, Washington, from \$808,500 to \$810,500.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Station, Tutuila," on page 37, line 7, after the word "Samoa," to insert "to be immediately available;" so as to read:

Purchase of additional land at Samoa, to be immediately available, \$35,000.

The amendment was agreed to.

The next amendment was, on page 37, line 14, before the word "removal," to strike out "susceptibility to," and insert "the practicability of its;" so as to make the clause read:

Port Royal Naval Station, S. C.: The Secretary of the Navy is directed to investigate and report to the next session of Congress the state and condition of the Government property at Port Royal, S. C.; its value and the practicability of its removal to another navy-yard, etc.

The amendment was agreed to.

The next amendment was, on page 37, line 21, before the word "Charleston," to strike out "naval station" and insert "navy-yard;" in line 24, before the word "Charleston," to strike out "naval station" and insert "navy-yard," and in line 25, after the word "dollars," to insert the following proviso:

Provided, That the amount authorized in the act of June 7, 1900, to be expended for the purchase of a site for a naval station at or in the vicinity of Charleston, S. C., from the appropriation for a new naval station and a dock be increased from \$100,000 to \$106,000.

So as to make the clause read:

Navy-yard, Charleston, S. C.: Stone and concrete dry dock (toward completion), \$250,000; in all, navy-yard, Charleston, S. C., \$250,000: *Provided*, That the amount authorized in the act of June 7, 1900, to be expended for the purchase of a site for a naval station at or in the vicinity of Charleston, S. C., from the appropriation for a new naval station and a dock be increased from \$100,000 to \$106,000.

Mr. HALE. I move, at the end of line 5, to add the words:

And \$6,000 is hereby appropriated.

The words were left out by mistake.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 38, after line 5, to insert:

For developing the United States navy-yard at Charleston, S. C., the following sums are appropriated:

Mr. HALE. On page 38, at the end of line 7, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment to the amendment will be read.

The SECRETARY. On page 38, at the end of line 7, insert:

Office building for the commandant, \$35,000; quarters for the commandant, \$12,000; quarters for civil engineer, \$7,500; landing and wharves, \$50,000; grading and drainage, \$10,000; workshop (to cost \$80,000), \$50,000; storehouse and storekeeper's office, \$50,000; equipment building (to cost \$125,000), \$62,500; machine shop for steam engineering (to cost \$174,000), \$80,000; foundry and copper shop for steam engineer (to cost \$118,000), \$60,000; power house (to cost \$50,000), \$25,000; workshop for ordnance, \$40,300; ship fitters' shop, with mold loft and furnace for construction and repair (to cost \$200,000), \$50,000; power house and fuel storage for construction and repair (to cost \$80,000), \$35,000; machine shop for construction and repair (to cost \$120,000), \$40,000; joiners' shop for construction and repair (to cost \$120,000), \$30,000; foundry for construction and repair (to cost \$75,000), \$20,000; in all, \$657,300.

In all cases where buildings and structure are provided for in this act, and where appropriations in full are not made for the same, authority is hereby given to the Secretary of the Navy, in his discretion, to enter into contracts for the entire construction of such buildings and structures, with the limit of cost as fixed in this act.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. MALLORY. I should like to inquire if the bill is now open to general amendment, or if only the committee amendments are being acted upon?

The PRESIDENT pro tempore. Only the committee amendments are now being considered.

The next amendment of the Committee on Naval Affairs was, on page 39, line 1, to increase the total appropriation for public works in the Navy from \$6,696,075 to \$6,924,525.

Mr. HALE. I move to change the total so as to read "\$7,649,325."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Public works, Bureau of Navigation," in the appropriation for the Naval Academy, on page 39, line 18, after the word "improvements," to insert the following proviso:

Provided, That the Secretary of the Navy may, in his discretion, continue the said improvements at the Naval Academy, either by contract or day labor, or both, as he may deem necessary for the best interests of the Government.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Observatory," on page 44, line 2, to increase the appropriation for grounds and roads, etc., from \$5,000 to \$10,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 2, to insert:

For the expenses of the Board of Visitors to the Naval Observatory, \$2,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 4, to insert:

Additional numbers of the American Ephemeris and Nautical Almanac: Hereafter there shall be published in addition to the present publications of the American Ephemeris and Nautical Almanac 2,500 copies, 500 of which shall be for the use of the Senate, 1,000 for the use of the House of Representatives, and 1,000 for distribution or sale by the Navy Department.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Medicine and Surgery," on page 46, after line 4, to insert:

Naval hospital, Mare Island, Cal.: Repairs and improvements in fitting up old buildings and building new; for changing officers' quarters into wards for enlisted men and building quarters for officers outside naval hospital, \$20,000; for construction of a contagious-disease hospital, \$10,000; in all, \$30,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 18, to insert:

That the active list of surgeons in the Navy shall hereafter consist of 70, and that of passed assistant surgeons and assistant surgeons of 135.

The amendment was agreed to.

The next amendment was, under the subhead "Navy-yards, League Island, Pennsylvania," page 52, line 5, after the word "dollars," to insert "each;" so as to read:

Navy-yard, League Island, Pennsylvania: In general storehouse: Two bookkeepers, at \$1,200 each;

The amendment was agreed to.

The next amendment was, under the subhead "Navy-yard, Norfolk, Va.," page 53, line 21, after the word "dollars," to insert "each;" so as to read:

Two receiving clerks, at \$942 each.

The amendment was agreed to.

The reading of the bill was continued to line 16, on page 54.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

Mr. HALE. I ask that it may be temporarily laid aside. We can get this bill through in a few moments.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed with the consideration of the appropriation bill.

Mr. HARRIS. Mr. President, I dislike very much to object to regular business of the Senate, but as I have given notice that I

wish to make some remarks on the canal bill, I should like very much to go on with them.

Mr. HALE. We can finish this bill in a very short time.

Mr. HARRIS. I do not think the interests of the appropriation bill will suffer by the delay of one day.

Mr. HALE. I have never known where an appropriation bill was nearly finished and when there was plenty of time for other measures—

Mr. HARRIS. I should like to ask the Senator from Maine about how long he thinks it would take?

Mr. HALE. Not over half an hour.

Mr. HARRIS. Then I yield for that purpose.

The PRESIDENT pro tempore. The unfinished business, then, is temporarily laid aside for one-half hour, in order that the Senate may proceed with the consideration of the appropriation bill.

Mr. MITCHELL. I have just been advised by a Senator on this side that he will talk for half an hour at least on the naval appropriation bill. The Senator from Kansas gave notice the other day that he would desire to speak on the isthmian canal bill at 2 o'clock to-day. It is always the custom when a notice of that kind has been given to conform to it. I hope the Senator from Maine will give way. There will be plenty of time to get the appropriation bill through.

Mr. HALE. I had just, as I thought, very successfully made this arrangement with the Senator from Kansas himself. I shall not undertake to go on for over a half an hour.

Mr. MITCHELL. The Senator from Maine announced that the bill could be finished in half an hour, and I am advised by one of my friends on my right that he himself will speak for at least half an hour.

Mr. HALE. He may speak but ten minutes. We will wait and see. I do not want to shut anyone off, but everyone understands that when we get an appropriation bill going everything gives way. I do not want to interfere with the Senator from Kansas if it is any inconvenience to him, but he has agreed that we might run along for half an hour.

Mr. HARRIS. I was willing to yield for half an hour.

Mr. HALE. I shall not go on any longer than that time to-day.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, under the subhead "Supplies and Accounts," on page 54, after line 24, to insert:

That the active list of the Pay Corps of the Navy shall hereafter consist of 13 pay directors, 16 pay inspectors, 70 paymasters, not less than 23 of whom shall be of the grade of lieutenant-commander, and 80 passed assistant and assistant paymasters: *Provided, That assistant paymasters, after three years' service as such, shall, after passing the examination required by law, be eligible to promotion to passed assistant paymasters.*

The amendment was agreed to.

The next amendment, was under the subhead "Bureau of Construction and Repair," on page 59, after line 2, to insert:

That hereafter the number of naval constructors and assistant naval constructors shall not exceed 60: *Provided, That no more than three assistant naval constructors, in addition to those appointed to fill vacancies arising in course, shall be appointed in any one calendar year.*

The amendment was agreed to.

The next amendment was, under the subhead "Pay of professors and others, Naval Academy," on page 63, line 7, after the word "dollars," to insert:

One assistant librarian, at \$1,000.

The amendment was agreed to.

The next amendment was, on page 64, line 8, to increase the total appropriation for pay of professors and others at the Naval Academy from \$55,191 to \$56,191.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent, Naval Academy," on page 65, line 23, after the word "house," to insert "and for clerk hire, carriages, and other incidental and necessary expenses of the Board."

The amendment was agreed to.

The next amendment was, on page 66, after line 24, to insert:

That hereafter the corps of midshipmen at the United States Naval Academy at Annapolis shall consist of 1 from each Congressional district, 1 from each Territory, 1 from the District of Columbia, 2 from each State at large, and 15 from the United States at large. They shall be appointed by the President and shall, with the exception of the 15 midshipmen appointed from the United States at large, be actual residents of the Congressional or Territorial districts, or of the District of Columbia, or of the States, respectively, from which they are appointed.

The amendment was agreed to.

The next amendment was, on page 67, after line 9, to insert:

That hereafter all examinations for admission to the United States Naval Academy of midshipmen, as hereinbefore provided, shall be at Annapolis, Md., by a board of examiners to be taken from the officers and instructors at said Academy to be selected by the Secretary of the Navy.

The amendment was agreed to.

The next amendment was, on page 67, line 15, to increase the

total appropriation for the Naval Academy from \$229,905.77 to \$230,905.77.

The amendment was agreed to.

The next amendment was, on page 67, after line 22, to strike out:

That sections 8, 9, and 10 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," are hereby repealed.

The amendment was agreed to.

The next amendment was, under the subhead "Marine Corps," on page 68, after line 6, to insert:

That from and after the date of the approval of this act the commandant of the Marine Corps shall have the rank and pay of a major-general in the Army, and when a vacancy shall occur in the office of commandant of the corps, on the expiration of the service of the present incumbent, by retirement or otherwise, the commandant of the Marine Corps shall thereafter have the rank and pay of a brigadier-general.

Mr. HALE. In line 9, after the word "pay," I move to insert "and allowances;" and also in line 13, after the word "pay," to insert "and allowances."

Mr. GALLINGER. Striking out the word "and" after "rank."

Mr. HALE. Striking out the word "and" after "rank."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 68, line 24, to increase the total appropriation for pay of noncommissioned officers, musicians, and privates, as prescribed by law, etc., from \$1,112,548 to \$1,236,028.

The amendment was agreed to.

The next amendment was, on page 69, after line 2, to insert:

In addition to the enlisted force of the Marine Corps now authorized by law there may be enlisted 10 gunnery sergeants, 40 sergeants, 60 corporals, 10 drummers, 10 trumpeters, and 620 privates.

The amendment was agreed to.

The next amendment was, on page 71, line 17, to increase the appropriation for provisions for the Marine Corps from \$396,071.50 to \$445,071.50.

The amendment was agreed to.

The next amendment was, on page 72, line 5, to increase the appropriation for clothing for the Marine Corps from \$340,000 to \$382,000.

The amendment was agreed to.

The next amendment was, on page 73, line 1, to increase the appropriation for military stores of the Marine Corps from \$40,297 to \$50,297.

The amendment was agreed to.

The next amendment was, on page 75, line 24, to increase the appropriation for contingent expenses of the Marine Corps from \$91,700 to \$103,700.

The amendment was agreed to.

The next amendment was, under the subhead "Public works—Marine Corps," on page 76, line 10, after the word "dollars," to insert "improvements, sewers, plumbing, etc., marine barracks, navy-yard, Boston, Mass., \$1,500," and on page 77, line 3, to increase the total appropriation for public works under Marine Corps from \$145,500 to \$147,000.

The amendment was agreed to.

The next amendment was, on page 77, after line 3, to insert:

All contracts of the Carnegie Steel Company, Limited, heretofore made between it and the United States, shall be completed by its successor, the Carnegie Steel Company, or its lawful successor, which has acquired and assumed, or may acquire and assume, all of its assets and all of its liabilities under the said contracts. And the said Carnegie Steel Company, or its lawful successor, upon giving security in proper form and amount, conditioned for the performance by it of the said contracts according to the true intent and meaning thereof, shall be substituted therein for the said Carnegie Steel Company, Limited, and be entitled to exercise all rights thereunder which the said Carnegie Steel Company, Limited, had or would have had if it had continued in existence.

The amendment was agreed to.

The next amendment was, under the subhead "Increase of the Navy," on page 77, after line 17, to strike out:

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract, except as herein otherwise provided, two first-class battle ships carrying the heaviest armor and most powerful ordnance for vessels of their class upon a trial displacement of about 16,000 tons, and to have the highest practicable speed and great radius of action, and to cost when built by contract, exclusive of armor and armament, not exceeding \$4,212,000 each; two first-class armored cruisers of about 14,500 tons trial displacement, carrying the heaviest armor and most powerful armament for vessels of their class, and to have the highest practicable speed and great radius of action, and to cost, when built by contract, exclusive of armor and armament, not exceeding \$4,650,000 each; two gunboats of about 1,000 tons trial displacement, to cost, when built by contract, exclusive of armament, not exceeding \$382,000 each; and the contract for the construction of each of said vessels so contracted for shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery: *Provided*, That the Secretary of the Navy shall build at least one of the battle ships, one of the armored cruisers, and one of the gunboats herein authorized in such Government navy-yard or navy-yards as he may designate, and for the purpose of preparing and equipping such navy-yard or navy-yards as may be so designated for the construction of such ships the sum of \$175,000, or so much thereof as may be necessary, is hereby appropriated for each of the navy-

yards in which the Secretary of the Navy may direct any such ship or ships to be built.

The Secretary of the Navy is hereby instructed to keep an accurate account of the cost of inspection and construction of such ship or ships, whether built in Government yards or by contract, and report thereon to Congress at each session the progress of work and cost thereof, including the inspection of all the material going into the construction of such ship or ships, and upon the completion thereof to report a full and detailed statement showing the relative cost of inspection and construction in Government yards and by contract: *Provided further*, The Secretary of the Navy shall build all the vessels herein authorized in such navy-yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

And in lieu thereof insert:

That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract two first-class battle ships, carrying the heaviest armor and most powerful ordnance for vessels of their class upon a trial displacement of not more than 16,000 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$4,212,000 each; two first-class armored cruisers of not more than 14,500 tons trial displacement, carrying the heaviest armor and most powerful armament for vessels of their class, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$4,650,000 each; two gunboats of about 1,000 tons trial displacement, to cost when built, exclusive of armament, not exceeding \$382,000 each, and the contract for the construction of each of said vessels shall be awarded, by the Secretary of the Navy, to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications thereof, and the methods of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all such vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery; and not more than two of the six battle ships, armored cruisers, and gunboats provided for in this act shall be built by one contracting party. One battle ship or one armored cruiser herein provided for shall be built on or near the coast of the Pacific Ocean or the waters connecting therewith; but if it shall appear to the satisfaction of the President from the bidding for such contracts that said vessel can not be constructed on or near the coast of the Pacific Ocean at a cost not exceeding 4 per cent above the lowest accepted bid for the corresponding vessel provided for in this act, he shall authorize the construction of said vessel elsewhere in the United States, subject to the limitations as to cost hereinbefore provided; and if the Secretary of the Navy shall be unable to contract at reasonable prices for the construction of any of the vessels herein authorized, then he may build such vessel or vessels in such navy-yards as he may designate.

Mr. HALE. Let that amendment be passed over. The Senator from California [Mr. PERKINS] desires to make a few remarks upon it.

The PRESIDENT pro tempore. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 81, after line 19, to insert:

Additional submarine boats: That the Secretary of the Navy is hereby authorized and required to contract with the Holland Torpedo Boat Company for five of its most improved type of submarine torpedo boats, to be built under the plans and specifications of said company, at a cost not to exceed the price contracted to be paid for the Holland boats now being built for the Navy Department: *Provided*, That no contract shall be made with the said company until one of the Holland boats now being built for the Department shall have been accepted by the Secretary of the Navy.

The amendment was agreed to.

The next amendment was, on page 82, after line 6, to insert the following:

SEC. 2. That the Secretary of the Navy is authorized to have tested any completed submarine boat or boats, other than the Holland type, that may be presented to him for trial within six months after the passage of this act, and if he shall find by said tests that any of the said boats, if more than one is presented, shall be equal or superior to the best submarine torpedo boat which shall then be in use in the Navy, he is authorized, in his discretion, to purchase the best one of the said boats at a price not exceeding \$170,000.

Mr. HALE. I move to strike out the words "Sec. 2," at the beginning of line 7.

The amendment to the amendment was agreed to.

Mr. HALE. In line 11, after the word "if," I move to insert "one or;" so as to read:

and if he shall find by said tests that any of the said boats, if one or more than one is presented, shall be equal, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. HALE. I have a few committee amendments to offer, and then I will get out of the way of the Senator from Kansas [Mr. HARRIS]. On page 4, at the end of line 15, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 4, after the word "dollars," at the end of line 15, it is proposed to strike out the period, and insert a colon, and the following:

Provided, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of the accounts of disbursing officers involved, payments made under the appropriation "Emergency fund" to civilian employees appointed by the Navy Department for duty in

and serving at naval stations maintained in the island possessions during the fiscal year 1902, and until such time as Congress shall make specific appropriation for the pay of such employees.

The amendment was agreed to.

Mr. HALE. Immediately following that, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Following the amendment just adopted, it is proposed to insert:

The Secretary of the Navy, in his discretion, is authorized to pay all civilian employees appointed for duty in the Philippine, Hawaiian, and Samoan islands, the island of Guam, and the island of Porto Rico, from the date of their sailing from the United States until they report for duty to the officer under whom they are to serve, and while returning to the United States, by the most direct route and with due expedition, a per diem compensation corresponding to their pay while actually employed; and in cases where the appointee is not to fill an existing vacancy his pay while traveling may be charged to the annual appropriation of the bureau concerned.

The amendment was agreed to.

Mr. HALE. On page 15, after line 9, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 15, after line 9, it is proposed to insert the following:

Naval station, Cavite, P. I.: For 1 clerk, \$1,400.

The amendment was agreed to.

Mr. HALE. I move to change the total, on page 15, lines 10 and 11, from "\$41,006.75" to "\$42,406.75."

The amendment was agreed to.

Mr. HALE. On page 31, after the word "dollars," in line 5, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 31, line 5, after the word "dollars," it is proposed to insert:

Reconstructing building No. 19 (to cost \$185,000), to continue, \$60,000; extension to dispensary building, \$1,500.

The amendment was agreed to.

Mr. HALE. I move to change the total of the appropriation in that clause from "\$499,000" to "\$560,500."

The amendment was agreed to.

Mr. HALE. On page 38, at the end of line 20, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 38, at the end of line 20, it is proposed to insert:

HARBOR, ISLAND OF GUAM.

Improving harbor of San Luis d'Apra, island of Guam, \$150,000, to be expended under the direction of the Secretary of the Navy in the prosecution of the project recommended by him for dredging a channel across the reef near Fort Santa Cruz and removing the top of the coral reef in the outer anchorage.

The amendment was agreed to.

Mr. HALE. I move to change the total appropriation in lines 1 and 2, on page 39, from "\$7,649,325" to "\$7,799,325."

The amendment was agreed to.

Mr. HALE. On page 39, line 12, before the word "hundred," I move to strike out "one" and insert "two;" so as to make the appropriation \$200,000.

The amendment was agreed to.

Mr. HALE. On page 58, after line 23, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 58, after line 23, it is proposed to insert:

Naval station, Cavite, Philippine Islands: One clerk to naval constructor, \$1,400; 2 clerks at \$1,200 each; in all, \$3,800.

The amendment was agreed to.

Mr. HALE. I move to change the total appropriation in that clause from "\$25,824.25" to "\$29,624.25."

The amendment was agreed to.

Mr. HALE. On page 60, after line 6, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 60, after line 6, it is proposed to insert:

Contingent, Bureau of Steam Engineering: For contingencies, drawing materials, and instruments for the drafting room, \$1,000.

The amendment was agreed to.

Mr. HALE. On page 61, after line 9, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 61, after line 9, it is proposed to insert:

Toward the construction of a building on land owned by the Government at Annapolis, for an experiment station and testing laboratory in the department of marine engineering and naval construction (at a cost not to

exceed \$250,000), and the complete equipment of the same with all the necessary appliances and apparatus (at a cost not to exceed \$150,000), \$200,000.

The amendment was agreed to.

Mr. HALE. On page 62, after line 16, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 62, after line 16, it is proposed to insert:

Naval station, Cavite, P. I.: One writer, \$1,200.

The amendment was agreed to.

Mr. HALE. In lines 17 and 18, on page 62, I move to change the total from "\$17,900" to "\$19,100."

The amendment was agreed to.

Mr. HALE. The Senator from New Hampshire [Mr. GAL- LINGER] has called my attention to an amendment which should be made. On page 64, line 24, after the words "training of," I move to strike out "naval cadets" and insert "midshipmen." That is to correspond with the law.

The amendment was agreed to.

Mr. HALE. On page 65, line 3, after the words "instruction of," I move to strike out "cadets" and insert "midshipmen."

The amendment was agreed to.

Mr. HALE. I am obliged to the Senator from Kansas [Mr. HARRIS] for deferring to me. The bill is now finished except one amendment, and I give notice that I shall call up the bill tomorrow morning after the routine morning business.

ISTHMIAN CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. HARRIS. Mr. President—

Mr. MITCHELL. Mr. President, I suggest the lack of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Cullom,	Heitfeld,	Perkins,
Bacon,	Daniel,	Jones, Ark.	Platt, N. Y.
Bailey,	Dillingham,	Kittredge,	Scott,
Berry,	Dolliver,	McCumber,	Simmons,
Blackburn,	Dubois,	McEnery,	Stewart,
Burnham,	Fairbanks,	McLaurin, S. C.	Teller,
Burton,	Foster, La.	McMillan,	Tillman,
Carmack,	Frye,	Mallory,	Turner,
Clapp,	Gallinger,	Millard,	Vest,
Clark, Mont.	Hale,	Mitchell,	Warren.
Cockrell,	Harris,	Morgan,	
Culberson,	Hawley,	Patterson,	

The PRESIDING OFFICER (Mr. McCUMBER in the chair). Forty-six Senators have responded to the roll call. A quorum is present. The Senator from Kansas will proceed.

Mr. HARRIS. Mr. President, it is just four hundred years since Columbus coasted along the Isthmus from Honduras to Porto Bello, seeking to solve the secret of the straits. Since that time and up to the present day there has been a steady and constant effort on the part of the principal nations of the world and on the part of a great many of the greatest men of the world to solve that same secret. There might be a great deal of inspiration derived from a consideration of the effort, the time, the money, and the labor that has been expended in an endeavor to accomplish this great work.

The Senator from Ohio [Mr. HANNA], very properly, perhaps, tells us that it is not the time now to consider sentiment; that there is no necessity now for looking at anything but actual facts. I want to suggest, however, that in this remarkable period of four hundred years there is one fact that has at all times been prominent, one fact that stands out conspicuously and of such a character, I think, as to deserve the attention of even the veriest Gradgrind of the Senate, and that is, that in all of these explorations, in all of these surveys by scientific men of all sorts, there has never yet been placed upon record an adverse opinion concerning the feasibility and practicability of the Nicaragua route for a ship canal, the route which is embodied in the bill which has come over to us from the House of Representatives.

It is a startling thing, and an unusual thing, I think, that in an engineering work of great magnitude there should be absolutely no differences of opinion until very recently as to the feasibility and the practicability of it. It means a great deal, and I think we should derive some strength and support from that idea.

The Senator from Ohio the other day alluded in terms of high admiration to the great Frenchman, M. de Lesseps. I heartily agree with the Senator in his estimate of the value of the work and of the character of that great man.

The fact that, after the tremendous opposition of Great Britain and other powers, he finally succeeded in bringing to completion, successfully in every respect, the Suez Canal, that saved the voyage

around the Cape of Good Hope, is a monument which will endure forever, and which will very largely, at least, cause the people of the world to forget the unfortunate errors and mistakes he subsequently made. The Senator from Ohio thinks that the Panama route is vastly strengthened because it had the support of this great man. I am glad that the Senator has summoned M. de Lesseps as a witness in this case. It is fortunate for us that he was at one time here and gave his evidence before a committee of the other House of Congress. On March 8, 1880, before the Special Committee on Interoceanic Canals, appointed by the House of Representatives, Count Ferdinand de Lesseps, the projector of the Panama Ship Canal, came before the committee at its request; and I read from the report the following:

The CHAIRMAN. The committee will remember that on Saturday last it conferred upon me the pleasant duty of inviting Count de Lesseps and Mr. Eads to appear before the committee to-day. They are both present. The committee will now have the pleasure of hearing Count de Lesseps.

Then the Count proceeded to give a description of his proposed plan of a ship canal across the Isthmus of Darien. It is not necessary to read more than a paragraph or two, which have reference to the Nicaragua route. Count de Lesseps says:

If it were determined to build a lock canal, and if there could not be a canal between the two oceans except a lock canal, then there was no doubt that the Nicaragua route was the best route.

He stated that the principal objection, or one of the objections, to the Nicaragua route was that it would be necessary first to construct a harbor at Brito, and another objection to it was that it would be impossible by that route to make a sea-level canal. He advocated the possibility of a sea-level canal, raised a company, and had funds subscribed for the purpose of building a sea-level canal.

It is fortunate, too, that we have the evidence of a great American engineer, Captain Eads, who appeared before the same committee on the same day; and, speaking of the Panama route, he made this statement:

Assuming, however, that the engineering difficulties involved in the drainage of the works during construction and those inseparable from the construction of a canal through the sickly bottom lands of the Chagres River, the damming off of its frightful floods, the creation of a new bed for its waters, and the deepening of the old one to constitute a part of the canal, can all be overcome by engineering skill, the question of expense still remains open and undecided, nor can it be fairly answered until the work has been completed. The cost of any work must always depend upon the number and character of the difficulties to be met and overcome, and the difficulties involved in the construction of a tide-level canal (only some of which I have mentioned) are of such a character that it is utterly impossible to fix with any degree of certainty the aggregate cost of the work. True, an estimate may be made, as, indeed, it has been by the engineers employed by M. de Lesseps. They have agreed upon the sum of \$168,000,000 as the ultimate cost of the work, exclusive of interest during construction, but experience has shown that such estimates are quite unreliable and are always much below the actual cost.

Mr. President, it is known by everyone that, after the expenditure of \$260,000,000, the French project was found to be absolutely impossible, and that it has been entirely abandoned.

I want to read here from another body of distinguished engineers, who were referred to by the Senator from Ohio:

THE NEW PANAMA CANAL COMPANY.

Report to the New Panama Canal Company by the International Commission of Engineers appointed in accordance with article 31 of the by-laws, dated November 16, 1898.

INTRODUCTION.

In accordance with article 31 of the by-laws, the New Panama Canal Company appointed a technical commission of engineers composed as follows:

Messrs. Robaglia, president, general inspector des ponts et chaussées (retired).
Bouvier, secretary, general inspector des ponts et chaussées (retired).
General Abbot, Engineer Corps, United States Army (retired).
Castel, inspector-general of mines (retired).
Daynard, chief engineer of Transatlantic Steamship Company.
Fargue, general inspector des ponts et chaussées (retired).
A. Fteley, chief engineer, Aqueduct Commission, New York.
Fulscher, private counselor to the department of public works of Prussia, formerly technical director of the Kiel Canal.
Hersent, civil engineer.
Hunter, chief engineer of the Manchester Canal Company.
Koch, counselor of public works, director of the Technical Academy of Darmstadt, formerly special member of the imperial commission of the Kiel Canal.
Jules Martin, general inspector des ponts et chaussées (retired).
Skalkowski, formerly director of the bureau of mines in the department of agriculture and estates, Russia.
Sosa, chief engineer of the Republic of Colombia.

That body of engineers comprised a number of distinguished engineers of different nationalities—English, German, American, French, and Italian. This commission of engineers made a report to the company, which reads as follows:

The commission of engineers has held between February 3, 1896, and September 8, 1898, ninety-seven regular sessions and many informal meetings. It has followed, as it were, day by day, the surveys, the works, and the plans of the company.

Several members visited the Isthmus in the spring of 1898. They brought back valuable data and information which confirmed in every important particular the conclusions to which the commission had already been led by its studies in Paris.

They then proceeded to discuss possible solutions in justification of the one adopted.

Principal problems to solve:

The building of a maritime canal across the Isthmus of Panama encounters, from a technical point of view, two main difficulties. These are, on the one hand, the chain of the Cordilleras, which must be crossed by a cut about 110 meters deep (361 feet) if a sea-level canal is contemplated, or by a very considerable cut, but little less than 70 meters deep (230 feet), if a canal with locks is intended. On the other hand, there is the river Chagres, a torrential stream, subject to sudden freshets, of which the canal must necessarily follow the valley for a great portion of its length and against which it must be protected by a proper regulation of the flow in order to insure the safety of navigation.

A third difficulty of a general nature presents itself when a canal with locks is considered: the question of water supply assumes, on account of the extent of the several needs to be provided for, an importance suggested by the fact that the accumulated flow of the Chagres itself and of the other streams on the line of the canal becomes insufficient during a certain portion of the year.

The first two difficulties increase as a lower and lower level of the canal is sought, and acquire their maximum of intensity in the case of a canal without locks.

On the contrary, the third difficulty, which appears only with a canal with locks, becomes greater as the summit level is raised.

The first difficulty, relative to the excavation of the great cut at the summit separating the two watersheds, does not raise any special technical question; it is simply the work to be done by manual labor, which may require more or less time and expenditure, but which, being without any inherent element of impossibility on account of the well-known character of the material, does not require any special study. It is the practical problem of a large excavation to be made within a restricted space.

PRINCIPAL DIFFICULTY ENCOUNTERED BY A CANAL WITHOUT LOCKS.

The second difficulty, due to the presence of the river Chagres upon the same territory as the canal, is, in view of possible consequences, of a more serious order. The rectification of the bed of the river for the purpose of utilizing it for the canal can not be contemplated. The irregularity of the flow and the violence of the large freshets are incompatible with a solution of that kind.

To turn the stream completely from its course and to direct it to the Pacific slope, far from the location selected for the canal, an idea formerly advanced and in part considered, would be a colossal undertaking, requiring an amount of labor which would render it impracticable. It is a solution upon which it does not seem possible to dwell. It therefore becomes necessary to make of the river and of the canal two neighbors, whose character and wants are to be harmonized. This is a solution which seems very difficult when considering a canal without locks. In fact, from whatever point of view it is considered we must acknowledge that it is necessary to prepare parallel to the canal an artificial waterway capable of discharging under occasional flood conditions a very large flow per second, and this even when the waters of a large portion of the watershed have been temporarily stored in a reservoir to be provided.

An artificial bed established at a higher elevation than the canal itself would prove to be not only a work very difficult to execute, but also to be a danger, a permanent menace, to the canal itself.

We can consequently state that the principal obstacle to the execution of a canal without locks results less from the difficulties entailed by the execution of the deep cut at the summit than from those which spring from the proximity of the Chagres in the region to be crossed before reaching that summit. It will not, perhaps, be too much to maintain that herein lies an obstacle insurmountable to a conception of that kind.

We therefore have the decision of the engineers selected by the Panama Canal Company itself as to the absolute impracticability of ever obtaining there a sea-level canal.

It has been suggested as one of the reasons why we should take the Panama route that at some time in the future it might be possible to convert it into a sea-level canal; that at some day we might succeed in paralleling the old canal with the new canal, which would carry the waters of the Chagres, and which would enable ships to pass without lockage from ocean to ocean. This has been abandoned absolutely by the men most interested in solving this problem. It has been pronounced impracticable by many others.

Our own Commission recently made a report, and while not saying it is absolutely impossible, they said that it would involve the expenditure of at least \$250,000,000, and would require not less than twenty years, without giving us the slightest hope of ultimate success.

I think the evidence which was given before the committee by Mr. Lyman E. Cooley is of great importance in these matters. Every man in the West knows that Mr. Cooley, as an engineer in connection with canals and dams and waterways, has had a most wonderful and successful experience. He is regarded as a master in all that pertains to that class of engineering, and he gave a very succinct and concise statement of the question as to a sea-level canal at Panama. He said:

Mr. de Lesseps and his coadjutors endeavored to maintain before the public the original sea-level proposition. So they proposed to construct this canal in steps, and cut out a step at a time, and eventually reach a sea-level canal. There was no final plan as to how that should be done further than was covered in the contract with Eiffel for some steel locks.

Let me say in that connection that the United States undertook an investigation of this matter in President Grant's day by the appointment of a commission consisting of Daniel Ammen, Chief of the Bureau of Navigation; General Humphreys, Chief of Engineers, United States Army, and Carlisle Patterson, Chief of the Coast Survey; that these gentlemen reached a conclusion and published that conclusion in 1876, I think, declaring unanimously in favor of the Nicaragua route as the most practicable route.

That has stood as the judgment of the profession on that matter ever since, and it was advocated by our delegates at the conference at Paris, in 1879, I think, where we sent Mr. Menocal and Mr. Ammen and Mr. Johnson; that the English representatives and Russian representatives cooperated, and it was admitted generally that the Nicaragua route was the best route for a high-level canal; and the conference would have so decided, but as the matter progressed De Lesseps came before the conference with the proposition that this must be a sea-level canal, and on this condition the vote was for Panama, with a large number of the foreign delegates not voting. That is the history of the matter. That judgment stood on its merits as the judgment of American engineers until this last report.

Now, the Frenchmen never even claimed that their route was suitable for a high level canal in comparison with Nicaragua until as a later proposition it became necessary to save their bacon by building a lock canal. There were good reasons for the American people entertaining a preference for Nicaragua, because that is the unbroken decision on the matter as the results of all investigations.

The CHAIRMAN. For a great many years.

Mr. COOLEY. Ever since 1876. I personally can see no reason for changing that judgment now.

Mr. President, it is true that we have had a decision from our Commission; we have had three reports from the Commission; and I propose to take them up and to call attention to some points where I think, with all due respect to the Commission, conceding their ability in every way, we may yet venture to differ somewhat from their conclusions.

For fifty years our people have suffered under a nightmare of restraint brought about by diplomatic jugglery and unwarranted selfishness. About five years ago the American people had made up their minds that this was a work of too great magnitude to be entrusted to the hands of private individuals or corporations, and all over the country the sentiment was universal that the Government itself should undertake the construction and control of this world-wide necessity.

Fortunately, we have been enabled to remove the barrier to national action, and by the enactment of the Hay-Pauncefote treaty the hands of the Government are released for this mighty work. The nation was really ready to proceed with this work at that time, but there were powerful interests that feared the competition and interposed every possible obstacle for delay. There were others, of course, who were doubtful as to whether the necessary explorations had been made, and whether any unknown difficulties existed which had to be removed. The two influences combined held back action at a time when it seemed as if the work was about to be begun.

The Nicaragua Canal Commission was organized and authorized to make a thorough exploration of the route via the San Juan River and Lake Nicaragua. This route had been explored, surveyed, and resurveyed time and time again, and the extraordinary fact remains to this day that, notwithstanding the number of surveys and examinations that have been made of this route by governmental as well as corporate representatives, no engineer has ever yet placed upon record an opinion adverse to its feasibility and practicability. After a complete examination again the Nicaragua Canal Commission reported to us that there were no obstacles in the way; that the canal could be constructed within the limit of what was deemed a reasonable expenditure of money. This still was not sufficient, and again the same powerful influences were brought to bear, and the Isthmian Canal Commission was authorized and a million of dollars appropriated in order that it might not only reexamine the Nicaraguan route, but the Panama and all other possible routes.

Over two years of time were consumed by this Commission, and on November 30, 1900, a preliminary report was submitted which, while making estimates on a larger and deeper canal than had ever before been contemplated, still reported that there was absolutely nothing to prevent the construction of a practicable canal ample for all modern purposes along the Nicaraguan route. A year later their final report was submitted, which again repeated the undoubted fact that there was absolutely nothing along the line of the San Juan River, the lake, or the two divisions at the east and west end which offered anything that was unusually difficult or that might not be reasonably and easily overcome. At the same time certain differences were pointed out as to the Panama line.

It was fairly and fully examined, and although it was stated that there were certain physical advantages, such as a shorter canal line, a more complete knowledge of the country through which it passes, and a lower cost of maintenance and operation in favor of the Panama route, yet the price fixed by the Panama Canal Company for the sale of its property and franchises is so unreasonable that its acceptance could not be recommended by the Commission. It was stated in this report that, except for the items of risks and delays, the time required to pass through the canals need be taken into account only as an element in the time required by vessels to make their voyages between terminal ports.

Compared on this basis, the Nicaraguan route is the more advantageous for all transisthmian commerce except that originating or ending on the west coast of South America. For the commerce in which the United States is most interested, that between our Pacific and Atlantic ports, and European and American, the Nicaraguan route is shorter by about one day, and the same advantage exists between our Atlantic ports and the Orient. For our Gulf ports the advantage of the Nicaraguan route is two days.

The Nicaraguan route would be the more favorable one for sailing vessels because of the uncertain winds in the Bay of Panama. A canal by the Panama route will be simply a means of connection between the two oceans. While it has been a highway of commerce for more than three hundred years, and a rail-

road has been in operation there for nearly fifty years, this has effected industrial changes of but little consequence. The natural features of the country are such that no considerable development is likely to occur as a result of the construction and operation of the canal.

The cost of completing the two canals was given, and a statement was made of the value in completing the canal of the work done by the Panama Canal Company. After this report was made public there seemed to be a panic among the members of the Panama Canal Company, and in great haste a proposition was made finally offering the entire property at the valuation placed upon it by the Commission. Taking up this offer of the Panama Canal Company, the Commission, in January of this year, prepared a supplementary report in which some marked changes occur in the conclusions given as compared with the conclusions in the former report. A close examination will show that many items that were mentioned favorable to the Nicaraguan route are omitted, and that additional arguments in favor of the Panama route are inserted and additional emphasis given to certain advantages possessed by that route.

Now, Mr. President, while I have the highest regard, respect, and esteem for the members of this Commission, there are some extraordinary things, it seems to me, in the figures used by which they arrive at some of these conclusions. I desire very briefly to call the attention of the Senate to these matters. I can not help thinking that the open character of the country and the visibility of the work actually done unduly impressed our Commission, and that the idea of saving some money and getting a bargain was allowed too much to influence their judgment and obscure other matters of vital importance. In the preliminary report, which was made in November, 1900, the valuation of the work of the Panama Canal Company is as follows:

Canal excavation	\$21,020,386
Gatunillo diversion	1,125,000
Railroad diversion (4 miles)	300,000
Contingencies, 20 per cent.	22,445,386
Panama Railroad stock at par	4,489,077
Aggregate	26,964,463
	7,000,000
	33,964,463

It was stated there that the value of the French work is greatly reduced by the fact that the spoil banks on the Atlantic maritime section frequently come within the limits of the enlarged canal now estimated for. It is the universal practice in determining the cost of work to be done to add a certain percentage for contingencies, because for safety it is always deemed better to provide a margin for the unforeseen difficulties which may have to be encountered or overcome.

In buying a piece of work to be utilized in a new or greater work the doubtful element is of a different sort. In that case the purchaser, in order to be safe, must necessarily count on certain contingencies that will prevent the application of the old work as fully and completely and with as much value as may be implied by the first estimate. Consequently it would be the part of wisdom and prudent business discretion to deduct a percentage for contingencies, all of which would have a tendency to reduce the value of the work to the purchaser. Instead of that, our Commission, for some reason which has not been satisfactorily explained, although the information was sought in the hearings before the committee, has added 20 per cent to this estimate. This estimate was materially changed in the final report, and the figures there appear as follows:

Canal excavation	\$21,020,386
Chagres diversion	176,186
Gatun diversion	1,396,456
Railroad diversion (4 miles)	300,000
Contingencies, 20 per cent.	22,895,028
Aggregate	4,579,005
Of the existing 70,000 shares of the Panama Railroad—	27,474,033

The Commission say—
the canal company will transfer to the United States all but about 1,100 shares.

They say:

These latter are held by a few individuals residing in various parts of the United States and in Europe. As it will not be the policy of the United States to so manage the railroad as to secure a large revenue, it is probable that the holders of these shares will in time find it to their interest to dispose of them at the price fixed by the Commission for the other shares.

So we become a stockholder in the Panama Railroad Company and trust to the future to secure the remainder. But the final estimate is as follows:

Excavation done	\$27,474,033
Panama Railroad stock at par	6,886,300
Maps, drawings, and records	2,000,000
Total	36,360,333

That of course includes in it 20 per cent for contingencies which had been previously added, amounting to \$4,579,000.

Then by an extraordinary process the Commission proceeds to add 10 per cent more to cover omissions. Three million six hundred and thirty-nine thousand six hundred and sixty-seven dollars is added to the total heretofore given, making a total of \$40,000,000. As a matter of course, nearly half a million of the last 10 per cent is the proportionate part of the contingencies which were added to the other. So we pay a half million dollars for a percentage added upon a percentage, to say nothing of the peculiar valuation of the railroad property to which I shall now call attention.

I hope Senators have noticed the map which was laid upon their desks some time ago, giving the location of the Panama Railroad and the Panama Canal. By looking at that map it will be seen that, instead of its becoming a matter which will be of use to us, from opposite the thirteenth milepost on the canal to the thirty-ninth milepost the railroad is to be moved a considerable distance from its present location and is to be rebuilt, absolutely changed in every particular. All the old material, as everyone knows, in reconstructing the new road will be absolutely wasted.

Mr. MITCHELL. How long is that?

Mr. HARRIS. About 30 miles. It is an exceedingly crooked line. It is an exceedingly difficult line undoubtedly, because the original and favorable line is occupied by the present railroad, which will be in the future occupied by the canal. But by looking at the map Senators can see that it is exceedingly crooked, and I estimate that there will be certainly not less than 30 miles of new railroad to be constructed, and consequently that what we pay the Panama people will be a donation and absolutely thrown away.

Certainly, Mr. President, this seems a very remarkable and unusual way to estimate the value of property which is being purchased. It is clearly shown and stated by members of the Commission that the Panama authorities exhibited a complete schedule of properties, naming everything which could possibly be of value, and why there should be \$3,632,403 added to cover omissions is inexplicable.

It seems also strange, Mr. President, that \$2,000,000 should be allowed for maps, drawings, and records. It is almost impossible to see what value maps, drawings, and records of abandoned and useless plans of a smaller canal, and of a different class of work altogether, could possibly have to us in the completion on the new scale and plans contemplated by our Commission. The Government of the United States has spent several millions of dollars in making explorations, with maps, drawings, and records of various routes. It will undoubtedly have to prepare new maps, new drawings, and new records of any work which may be undertaken. We can not depend safely upon any of the old data, but must begin absolutely from the ground up with the new work.

In considering the railroad valuation I wish to call attention to some other remarkable inconsistencies, as it seems to me. The Nicaragua Canal Commission, after a thorough examination of that route, estimated the cost of a double-track railroad, ample for all purposes as an auxiliary in the canal construction, at \$50,000 per mile. The Isthmian Canal Commission, apparently possessed with a superabundance of caution, estimated the same work precisely at \$75,000 per mile. Certainly no railroad contractor in the country, and I know by actual conversation with many of them, would fail to say that this was an ample allowance and sufficient to provide for every possible contingency. In estimating the value, however, of the Panama Railroad the Commission nearly doubles this amount, and allows about \$140,000 per mile.

Notwithstanding the fact which I have stated that 30 miles of it has to be absolutely abandoned and thrown away, we allow them \$140,000 per mile for the entire line and then proceed to construct 30 miles of new railroad, which will cost us not less than \$75,000 per mile, because that is the amount which we proposed to allow to the Panama people for the 4 miles of railroad diversion that they have accomplished. It seems to me, Mr. President, that such figures justify us in being somewhat chary of the estimated value placed upon the property.

Now, the fact that the Commission made two reports in favor of the Nicaraguan route, stating expressly that it is because of the unreasonable price asked by the Panama people, shows clearly to my mind that it was simply a financial consideration which they regarded principally; that when the Panama people asked \$109,000,000 for their property our Commission regarded it as absolutely out of question, and recommended the Nicaraguan route as the most feasible and practicable. "Feasible" and "practicable," it seems to me, Mr. President, apply more particularly to physical conditions than they do to the financial question.

And yet the Commission seem to have finally brought it down to a consideration of the financial question. At some point between the \$40,000,000, at which they value the Panama property, and the \$109,000,000, which the Panama people place upon

it themselves, there would be a point where our Commission would have said that it was an absolutely even thing. Consequently, if we can show that the valuation of the property which they have given to the French company is excessive, and that in other respects there are to be extraordinary and unusual increases in the estimates which have been made, even the financial question disappears and we come back to the original recommendation of the Commission that the Nicaragua route is the most feasible and practicable and the most desirable for this country to own and control.

There is another very important point in the report of the Commission that I think ought to be called to the attention of the Senate, and I think Senators ought to have it in mind in the consideration of this matter at all times.

In the final report of the Commission, Mr. President, it is stated that there is one important matter which can not enter into its determination (that is, the question between the two routes), but which may in the end control the action of the United States. Reference is made to the disposition of the Governments whose territory is necessary for the construction and operation of an isthmian canal. It must be assumed, says the Commission—mark the words, Mr. President—it must be assumed that Colombia will exercise the same fairness and liberality if the Panama route is determined upon that have been expected of Nicaragua and Costa Rica should the Nicaraguan route be preferred.

Since this report was made we have had the draft of the proposed treaties laid before us, one by the Nicaraguan Government and the other by the representatives of Colombia. It seems to me, when one considers these two treaties, that if the Commission based its recommendation upon the assumption of equal fairness and satisfactory arrangements to be made with the two Governments, certainly this assumption must be found to be absolutely without foundation. The convention proposed by Colombia, it seems to me, could never possibly be accepted as a basis upon which to expend this enormous amount of money, and to involve such tremendous interests. It is lacking in every element of fairness, and hardly seems to have a decent respect for the rights and wishes of this country.

Article III gives the use of the zone of territory along the route of the canal, about 6 miles in width, excluding the cities of Panama and Colon, and the use for canal purposes of certain islands in the Bay of Panama, together with 10 fathoms of water in the Bay of Limon, in extension of the canal; but the same "shall not be construed as being within the zone herein defined, nor governed by the special provisions applicable to the zone." Apparently this means simply the use of a portion of the bay, the rest of the bay and the town of Colon, heretofore stated to be almost entirely the property of the Panama Canal Company and the railroad company, absolutely outside of the control of this country.

What possible complications might ensue it is impossible to say. It is also provided that joint commissions shall be had to control sanitation and the police of the canal zone, and to establish and administer a joint civil and criminal jurisdiction as to contracts and crime, bringing into the management and control of the canal zone and the canal elements of friction and controversy that will be absolutely fatal. As is well said by the distinguished Senator from Alabama, "Nothing could come of such joint authority except unceasing controversy and strife."

Article V seems to imply that entirely separate ports for vessels shall be constructed and maintained at each entrance of the canal within the limits of the zone fixed by this convention, which expressly excludes the Bay of Limon and the greater part of the Bay of Panama. It also provides that the United States will suitably supply the towns of Panama and Colon with necessary aqueducts and drainage works in order to prevent their becoming centers of infection on account of their proximity to the canal. The Government of the United States is authorized to impose and collect equitable water rates, previously agreed upon with the Government of Colombia, during fifty years, for the service rendered; but on the expiration of said term the use of the water shall be free for the inhabitants of Panama and Colon.

Panama is a city of from 20,000 to 30,000 people, situated upon a rocky site, and has not a foot of sewer or water pipe in its limits. There is no suitable water supply to be had except at a very considerable distance. The same thing is true of the town of Colon, where probably water can be had only by extensive pumping works, while from its flat location adequate drainage will be a matter of very serious difficulty. What millions will be necessary to comply with this portion of the treaty we have no means of knowing.

Article VII provides that all damages caused to private land owners by inundation or by the deviation of water courses shall be paid by the United States after the same shall have been ascertained by the joint commission.

Article XXV, which provides for the payment to the Colombian

Government, is still more objectionable and leaves much to be determined in the future. It is as follows:

ARTICLE XXV.

As the price or compensation for the right to use the zone granted in this convention by Colombia to the United States for the construction of a canal, together with the proprietary right over the Panama Railroad, and for the annuity of \$250,000, gold, which Colombia ceases to receive from the said railroad, as well as in compensation for other rights, privileges, and exemptions granted to the United States; and in consideration of the increase in the administrative expenses of the department of Panama consequent upon the construction of the said canal, the Government of the United States binds itself to pay Colombia the amount of \$7,000,000 in American gold on the exchange of the ratification of this convention, after its approval by the legislative bodies by both countries, and fourteen years after the date aforesaid a fair and reasonable annuity that shall be agreed upon by the contracting Governments three years before the expiration of the above-mentioned term of fourteen years.

In fixing this fair and reasonable annuity there shall be taken into consideration the present price of the usufruct of the railway as well as the compensation that is to be stipulated for the use of the zone and for the additional administrative expenses that the construction of the canal will impose upon Colombia; and also the advanced payment of \$7,000,000 and the comparative cost and conditions upon which the United States reasonably could have expected to acquire concessions satisfactory to it in respect of any other canal route.

Three years before the expiration of each term of one hundred years the annuity for the following term shall be fixed in a similar manner.

But in the event that the parties are unable to come to an understanding within the periods above referred to as to such fair and reasonable annuity, then before the second year prior to the termination of the periods above referred to the contracting parties shall proceed to constitute a high commission, to be composed of five members, of whom two shall be appointed by Colombia, two by the United States, and the fifth (who shall be the president of such high commission) shall be the president for the time being of the International Peace Tribunal of The Hague, and the determination reached by said commission, by a majority vote, concerning such fair and reasonable annuity that is to be paid to Colombia by the United States in conformity with this article shall be binding upon the contracting parties.

But no delay nor difference of opinion in fixing such amount shall affect nor interrupt the full operation and effect of this convention in all other respects.

Article XXV provides, as the compensation to be paid Colombia by the United States, that the sum of \$7,000,000 shall be paid on the exchange of the ratification of this convention, "after its approval by the legislative bodies of both countries," and fourteen years after that date a fair and reasonable annuity that shall be agreed upon by the contracting governments three years before the expiration of the above-mentioned term of fourteen years.

It seems to me, Mr. President, that the difficulties suggested so briefly are absolutely insuperable, and that the assumption on the part of the Isthmian Canal Commission that we would obtain the same fairness from the Government of Colombia that we have a right to expect from Costa Rica and Nicaragua absolutely falls to pieces. With Nicaragua we have a treaty which specifically provides for a definite amount. It gives us in perpetuity, on the payment of \$6,000,000, the use of an adequate canal zone, 10 miles wide during the period of construction, and 6 miles wide after the canal shall have been completed.

There are no towns along the line of the route. It provides that we shall pay them a mere nominal sum of \$25,000 a year as a recognition of their sovereign rights. That is in perpetuity. It does not leave anything for the future consideration of joint commissions. It does not leave anything to delay, which is so difficult to forecast in negotiating on matters involving enormous amounts with the people of the South American countries.

Unfortunately, Mr. President, Colombia is to-day in the throes of a revolution. Her Congress, I believe, has not been in session for several years. This is the reason given for the dispute as to the validity of the last extension of the Panama Canal concession, dated April 26, 1900. When at some indefinite time in the future a congress of Colombia meets to say again what view they will take with regard to the rights of the Panama Canal Company, is it not fair to assume that they will take the position that the rights of this company have been absolutely forfeited and that the only valid title to be had must be obtained from the Colombian Government and its Congress? Even if that question is not raised—tempted by the \$40,000,000—then we have the question, at an indefinite time in the future, of the approval of the proposed convention.

In the meantime we are supposed to have paid the forty millions to the Panama Company, and no further action can be taken until, as stated in Article XXV, this convention has been approved by the legislative bodies of both countries. I can not imagine, Mr. President, that this convention will ever be approved by the Congress of the United States, to say nothing of the Congress of Colombia. This is but one of the many features of doubt and uncertainty involved in the diplomatic and legal difficulties surrounding the French company in every direction. I shall not allude to the possibilities growing out of the equities of the stock and bond holders of the old Panama Canal Company. Some of our ablest and best lawyers are positive in the opinion that we will ultimately be held responsible to these individuals who have suffered so tremendously. Other Senators will treat of these matters, and I shall pass on to the consideration of some of the physical features of the two propositions.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER (Mr. McCUMBER in the chair). Does the Senator from Kansas yield to the Senator from South Carolina?

Mr. HARRIS. Certainly.

Mr. TILLMAN. The Senator seems to have given this matter great study. I confess that I have been so busy with other things here that I have given it very little. I should like to ask the Senator one question.

Mr. HARRIS. Certainly.

Mr. TILLMAN. What is the status or what will be the condition on the Nicaragua route in regard to private lands? Does the concession from the Government there carry with it any right to enter upon private property and use it for this canal, or are we to be subjected to the claims of the private owners, who will have the conditions there favorable to mulct us indefinitely, or to rob us, so to speak, in getting a great amount of money for the use of the land on which to build the canal and excavate the earth? In other words, have not some Americans gone down there already, looking forward to this as the only route, and fixed up a whole lot of schemes by which the United States will have to pay millions and millions of dollars for the right of way? I just want to get at that view.

Mr. HARRIS. As I understand it, the treaty with Nicaragua provides for condemnation proceedings where private rights are involved.

Mr. TILLMAN. What court will take the matter in hand? The people of that country alone?

Mr. HARRIS. I will endeavor to find the clause which relates to that. Article V of the treaty with Nicaragua says:

When the canal district is established the Government of the United States will furnish the Government of Nicaragua with a map showing the limits thereof, as established by this convention; and thereupon the right of entry, occupation, possession, use, and control of all the lands and waters of Nicaragua comprised in such district shall be considered as granted by a lease in perpetuity to the United States for the purpose of the canal.

Areas of land and water so comprised that form part of the public domain of Nicaragua shall pass into the possession, use, and control of the United States without any cost or charges. If any areas of land or water so taken, or any right, title, estate, use, or interest therein are claimed at the date of this convention as the property, legal or equitable, of private persons or corporations, the United States may acquire such rights, titles, estates, use, or interests by purchase from the owners, or, failing in that, may proceed to condemn them as stated further on in this convention.

For the purpose of fixing the compensation to be paid by the United States in the condemnation proceedings contemplated in Articles III and V, a mixed commission of four jurists of repute, two to be appointed by each of the contracting parties, shall assess and award the damages to be paid by the United States. The procedure and regulations to be observed by said commission for the taking of evidence, and in the trial of cases to condemn and award damages, shall be in accordance with the laws of Nicaragua not in conflict with this convention. The damages awarded shall be compensatory only and fixed without reference to appreciation of values by the contemplated or actual construction of the canal.

In case of disagreement of the commission on the amount of damages to be awarded in any case, an umpire shall be appointed by the two Governments who shall render the decision, and in case the Governments do not agree in the appointment, this umpire shall be selected by lots from four candidates, two presented by each party. In the event of death, absence, or incapacity of any such commissioner or umpire, or of his omitting, declining, or ceasing to act, his place shall be filled by the appointment of another person in the manner above indicated.

All decisions by a majority of the commission or by the umpire shall be final.

Mr. TILLMAN. If I did not fail to catch it, I think there are words read by the Senator in regard to the date of this convention.

Mr. HARRIS. The date?

Mr. TILLMAN. Please go back to the sentence about lands owned by private parties at the date of this convention. What I am after is to find out whether the private property rights which are to be condemned or bought by us are those in existence when that treaty was made or whether there has been a chance for speculators to go in there since and fix up a job by which we are to get the property that belonged to the Nicaraguan Government at that time, but which has since passed out of its hands.

Mr. HARRIS. I do not see exactly what the Senator alludes to.

Mr. TILLMAN. It is along toward the beginning, something about the date of condemnatory proceedings.

Mr. HARRIS. The first two lines read:

When the canal district is established the Government of the United States will furnish the Government of Nicaragua with a map showing the limits thereof.

I presume that upon the filing of that map all the rights of the Government will accrue.

Mr. TILLMAN. I know; but it speaks there of private rights which will exist or which existed then in donating to us this public domain. What I am after is to find out if there is any public domain left or whether somebody has not already bought it to saddle on us the whole thing.

Mr. HARRIS. From all the information the committee has been able to get, the Government has very large and extensive possessions there. I understand that there has been some land acquired along the right of way on the western division, between the lake and Brito.

Mr. TILLMAN. Since that convention or before?

Mr. HARRIS. No; years ago.

Mr. TILLMAN. Everybody is willing, I presume, to pay for land which was owned bona fide away back yonder, but because we are going to build a canal we do not want this land to become valuable by reason of that fact so that we shall have to pay \$50, \$100, or \$200 an acre for land that is not now worth 20 cents.

Mr. HARRIS. I presume there might be an interval between the passage of this act, for instance, and the filing of the map or the taking of the necessary steps when some such speculative proceedings might be possible. That would be the case anywhere and everywhere, and I do not know how they could be foreclosed or prevented.

Mr. TILLMAN. Will the Senator allow me to have his copy of the treaty? I will not interrupt him any further, and I will examine it myself.

Mr. CULBERSON. Mr. President, I should like to ask the Senator from Kansas if he is able to state how much approximately it would cost the Government for the right of way in addition to the \$6,000,000 to which he has referred?

Mr. HARRIS. How much will have to be paid for private rights?

Mr. CULBERSON. Yes; that is the effect of the question.

Mr. HARRIS. I have not the information, Mr. President. I do not know that any estimate has ever been given. There are supposed to be some private rights on different portions of the line, but I have never seen any estimate made of them, nor do I know of any data which we have on that subject.

Mr. TILLMAN. This is a proposed treaty instead of an actual treaty, is it not? I had supposed that it was an agreement already entered into by which we were protected against private parties.

Mr. HARRIS. It is a proposed treaty.

Mr. TILLMAN. It seems the language is phrased exactly for the purpose I have just outlined, of having the whole right of way seized on by some private parties for speculative purposes in collusion with the present Government of Nicaragua, so that when we go down there nobody knows how many millions we will have to pay for it.

Mr. HARRIS. I do not think there is any question but that the 20 per cent contingency fund which is added to the estimate for the canal would be ample to cover any such case as the Senator suggests; but, as a matter of course, I do not know what the private interests might possibly amount to on either route.

Mr. TILLMAN. I will read to the Senator what I had allusion to a moment ago, supposing it was a treaty already in existence.

Areas of land and water so comprised that form part of the public domain of Nicaragua shall pass into the possession, use, and control of the United States without any cost or charges. If any areas of land or water so taken, or any right, title, estate, use, or interest therein are claimed at the date of this convention as the property, legal or equitable, of private persons or corporations, etc.

"If," at the time we sign this, these titles or these claims to these lands are made or set up. You see the wide door we open for persons to wait here until it is apparent that the Nicaragua route is going to be selected, and immediately the telegraph will be set in motion and the claims will assume shape and form before this treaty is signed, if they do not already exist, and we will be laying a foundation in this very treaty for an enormous steal, I would call it, by which the Government of the United States will be mulcted in millions to get the right of way.

Mr. HARRIS. I will simply say that this is a proposed treaty or convention. The bill we are now considering provides practically that the President shall sign it as soon as he is authorized by the passage of the bill. Now, the moment the bill passes the President will be authorized to have it signed and executed. The time will be very short between the passage of the bill and the execution of this treaty; whereas in the case of the convention with Colombia it has to be submitted for the legislative approval of the Congress of Colombia. I think that is a very marked difference between the two measures.

Mr. TILLMAN. I hope the Senator will understand me as not combating his apparent contention that the Nicaragua route is the best, because I am absolutely ignorant of the whole subject except the general information I have obtained through the newspapers, and I am trying to get light. I imagine that if we get either of these routes passed through Congress and the canal ordered we may reasonably expect that there will be an effort made by somebody to reach in and be benefited; that private parties or corporations will seize on such opportunities as will present themselves to bring in claims for damages on the right of way, or something which will undoubtedly take millions out of the Treasury of the United States. I am only trying to get at, first, the best route, the most practicable and feasible one to maintain after it is built; secondly, the cheapest route; and, lastly, the one that will have the least jobbery in it.

Mr. HARRIS. I agree with the Senator exactly, but I think

the Senator will admit that in no case of a contemplated work is it possible to absolutely prevent or foreclose some of the possibilities which he suggests. There must be an interval of time between the formation and the execution of the necessary treaties and conventions, so that it is impossible to preclude and prevent any such action by private parties. I think this treaty has all the elements in it of fairness, and if it is promptly ratified, as it must be, by the executive officers of the two Governments, there is no reason to apprehend any wide door for any of the entering in and plundering the Senator indicates.

Mr. MORGAN. If the Senator will allow me, I should like to remind him that this treaty, if signed at all, will relate back to December, 1900, to an agreement made between Nicaragua and the United States, and between Costa Rica and the United States, on the same terms, which will be ratified if this bill is passed, and that agreement would necessarily prohibit either Costa Rica or Nicaragua from making any disposal of property to private rights whatever. So the case is perfectly secure against any such opportunity.

Mr. TILLMAN. If the Senator from Kansas will allow me, do I understand the Senator from Alabama to inform the Senate that the alienation by the Nicaraguan Government of its public domain (and that is the only question I am concerned in here) could not be made subsequent to December, 1900?

Mr. MORGAN. It could not.

Mr. TILLMAN. And therefore we are guarded, as far as we can be guarded, against any jobbery on the part of anyone in Nicaragua who might be connected with the Government alienating the public domain which existed at the time you speak of, December, 1900?

Mr. MORGAN. It is absolutely guarded, without any equivocation or doubt.

Mr. TILLMAN. It is in a little better shape than I had hoped.

Mr. HARRIS. There was a protocol executed at that time which certainly, it seems to me, might be fairly construed to bind the Nicaraguan Government.

Mr. President, it seems to me that in the consideration of the physical features of this question the first in importance of all considerations is certainty of success. Not only after tiresome extensions of time and enormous increased expense, with possibly shocking and exasperating loss of life, but success in a reasonable time, with expenses bearing some reasonable proportion to the estimate, and with considerations of humanity in the matter of life and health.

Second in importance is the shortening of distance in the total voyage. Desirable as it may be to have as short as possible the line between the two oceans, the primary object of the project is the shortening of distance between ports, and it must not be omitted or lightly considered in the choice of routes. A little more in the cost of operation or construction even is easily overbalanced in the profit in the saving of time to each vessel. I desire here to call attention to what is said by some of the able and thoroughly competent men who testified before the committee.

Mr. Haupt, an engineer of eminence and great success, one of the Commission, testifying before the committee in regard to this matter, makes the following statement.

Mr. FAIRBANKS. On what page?

Mr. HARRIS. On page 518, part 2.

Mr. HAUPT. Yes. As the question before this committee is largely one of the selection of two routes, I beg leave to say that while conceding to the wishes of the majority and signing a report in order to make it unanimous, and so, if possible, to secure legislation at this session, I still feel, and did then, that there were certain economic, physical, engineering, sanitary, and commercial advantages inherent to the Nicaragua route which gave it a decided preference over the Panama route.

In this, of course, I do not consider the cost of the concessions nor especially the cost of constructing the canal, but I think the others are of so preponderating weight as to overbalance any differences in the latter two items. The economic advantage is, a priori, the most important factor in the operation and utility of an interoceanic waterway, and that is briefly summed up in the report of the Commission by the statement that the Nicaragua Canal possesses an advantage between home ports of one day for all north-bound commerce—that is, whether it be of European or American origin, or whether it has its destination in the Orient or North Pacific ports—and for all Gulf ports it would save about two days.

I have made an estimate of that saving based upon the average cost of moving vessels of about 3,000 tons capacity, which I have figured at about \$250 a day. Some of these vessels have cost as high as \$1,000 a day to operate and maintain, and some of them as low as \$100 a day, but taking it at that average and estimating on a basis of 10,000,000 tons, of which, say, 75 per cent is north bound, the economy on that basis would amount to about \$550,000 a year on steam alone. But as a large percentage would be carried by sail if this route be opened, the economy would probably be 50 per cent more, or about \$1,000,000.

On page 520 he states:

Mr. HAUPT. Certainly, between the two termini, that is the measure of the advantage and utility of the canal. It does not make any difference whether one is very much shorter from sea to sea or not, and on that point, speaking from the physical standpoint, I would say that the Panama route, for the bulk of the commerce, at least 75 per cent of it being north bound and between northern termini, that the Panama route is directly away from the path of commerce or nearly at right angles to it, running from northwest

to southeast, going south, so that every mile of that canal is a detour from the direct line of traffic, and that is a violation of a sound engineering and economic principle, while every mile on the Nicaragua route is in the line of or as near the line of traffic as it is possible to place it, so that the difference in the length of the route which is urged as an objection to the Nicaragua route is in reality no objection whatever.

Mr. TILLMAN. I do not want to interrupt the Senator unduly, but if he is not pursuing any regular order I should like to make an inquiry of him.

Mr. HARRIS. I should like to proceed on this point, and then I will yield to the Senator.

Mr. TILLMAN. All right.

Mr. HARRIS. The committee also had a letter from Mr. Edward P. North, a civil engineer of very great experience, with regard to this question of economy. On page 26 of Senate Document No. 303 he makes a statement as to the saving in distance by the Nicaragua Canal owing to its greater proximity to all Northern ports:

And to-day any doubts that an isthmian canal, if of sufficient capacity, will at the end of twenty years from its completion carry as much domestic traffic as the Soo, or say 30,000,000 tons of freight, or that the development on our Pacific coast will not be greater at the end of that period than the development of the country served by the traffic on the Great Lakes has been in the last twenty years, does not seem to have over 1 per cent of probability to back it.

Considering the two routes proposed—Nicaragua and Panama—it will be immediately seen that while the Nicaragua route is better for both the Atlantic, Gulf, and Pacific coasts, the Panama route discriminates against the Gulf coast. This is unfortunate for the whole country, as the productive industries are less developed in the Mississippi Valley than along and near the Atlantic coast, and it is desirable that there should be a substantially equal development in all parts of our country. The disadvantages of a high cost of transportation, whether due to greater distances or an artificial cause, are equal, but a relative disadvantage arising from distances can not be overcome; that is persistent.

Referring again to the testimony given before you, CONGRESSIONAL RECORD of February 6, the distances in miles are as follows:

	New York.	New Orleans.
To San Francisco via—		
Nicaragua.....	4,922	4,119
Panama.....	5,290	4,689
To Shanghai, via Honolulu, via—		
Nicaragua.....	10,752	9,949
Panama.....	11,007	10,406

Taking, as above, the sea freights at one-half mill per ton mile, we will have for freight charges:

	Via Nicaragua.	Via Panama.	Saving in freight charges via Nicaragua.
			Cents.
San Francisco to New York.....	\$2.46	\$2.65	19
San Francisco to New Orleans.....	2.05	2.35	28
Shanghai to New York.....	5.38	5.50	12
Shanghai to New Orleans.....	4.97	5.20	23

I assume that, as the center of population is now about as near the Gulf as to the Atlantic, the domestic freightage to and from the Gulf ports will equal that to and from the Atlantic ports, and that the same will be true as to freights with the Pacific islands, China, etc. Also, from the increased wealth due to lower tolls and freight charges, the traffic of these regions will at least double in the next twenty years, giving our isthmian canal 8,000,000 tons between our eastern and the Pacific islands and foreign ports, without reference to any diminution or increase of the Suez traffic.

On this basis, allowing 30,000,000 tons domestic, one-half to New York and one-half to New Orleans, and 8,000,000 foreign freight, divided as above, you will see that the commerce and industries of the Atlantic and Gulf ports, taking New York and New Orleans as typical of both, would be handicapped by the adoption of the Panama route, as follows:

New York:	
15,000,000 tons domestic, at 19 cents	\$2,840,000
4,000,000 tons foreign, at 12 cents	480,000
	\$3,320,000
New Orleans:	
15,000,000 tons domestic, at 28 cents	4,350,000
4,000,000 tons foreign, at 25 cents.....	920,000
	5,270,000
Total handicap per annum.....	8,590,000

The discrimination against the Mississippi Valley by the Panama route is more than one-half greater than against New York.

In addition to the adoption of the Panama route would call for an extra freight charge of 37 cents against all commerce passing between our Pacific coast and Europe, San Francisco and Liverpool being taken as type ports, and all of these discriminations must reduce the profits of production and consumption on the Pacific coast.

On the other hand, taking Guayaquil as the type of the trade of western South America, the Panama route would give New York an advantage of 19 and New Orleans 9 cents per ton over the Nicaragua route. But British Columbian ports will probably give the proposed canal more traffic than that part of the west coast of South America which does not find its market by the Magellan Strait. The country tributary to the Pacific is narrow and arid, without resources capable of large development. The natural outlet of the rich mineral regions in the Andes is down the Amazon, and this outlet will be developed with increasing wealth.

These strictly commercial considerations probably justify the United States in building the Nicaragua Canal if the Panama Canal could be completed and given to this country.

Now I will hear the Senator from South Carolina.

Mr. TILLMAN. I note that Article XI of this proposed treaty between the United States and Nicaragua has a queer provision, which I will read to the Senator:

ARTICLE XI.

Although maintaining that upon principles of justice no valid claims of citizens of the United States exist against Nicaragua, the latter accepts the engagement of the United States to pay and to discharge Nicaragua from all liability on account of claims of citizens of the United States which may have arisen prior to the date of the signing of this convention.

In other words, Nicaragua notifies us that she is perfectly willing to let us pay any claims of our own people that we see fit. She denies that there are any just claims, but still she graciously permits us to settle with our own people if we see proper. Can the Senator explain that?

Mr. HARRIS. I think that is a perfectly natural position for Nicaragua to take.

Mr. TILLMAN. Why should citizens of the United States have any claims there at all, unless they are speculative claims obtained for the very purpose I have just mentioned, of having this Government pay an immense sum of money for something that has no value, unless this Congress enacts this legislation? In other words, why should any Americans have gone to Nicaragua and obtained of the Nicaragua Government title or claims to certain lands unless for the purpose of having the United States make those claims valuable?

Mr. HARRIS. No, Mr. President, it is not necessary to assume that. It is a fact perfectly well known to all Senators that a corporation organized in this country, called the Maritime Canal Company, did expend a considerable amount of money in Nicaragua, and did go down there and make an effort to build a canal, and failed. The Nicaraguan Government has declared that all their rights and concessions are forfeited. That company may possibly have some private rights; they may possibly own some land; they may possibly own some buildings. Nicaragua by that provision of the treaty practically says to us that we shall settle with those people for whatever we consider necessary to take in the construction of the canal. That seems to me to be a most natural position. The Maritime Canal Company has time and again through their president and through their representatives told Congress, through its committee, that they did not desire to interpose any obstacle or any objection; that they did not desire to set up any claim.

A great deal has been said about—and I believe the minority report of the Inter-oceanic Canal Committee lays a great deal of stress upon it—probable claims that may be brought forward by the Maritime Canal Company.

Mr. MITCHELL. The officers of that company have disclaimed any intention of doing any such thing.

Mr. HARRIS. The officers of that company have time and again disclaimed any such intention. It is possible, however, that the officers of the company may not be able forever to control all the interests of the company. Nicaragua simply says that that is a proposition that we must settle with our own citizens.

Mr. TILLMAN. Mr. President, I do not think that any one of us need be very much concerned about the claims of the Maritime Canal Company. Those are vested claims or rights, whatever they may be, that we, in justice and in honor, must dispose of upon any equitable basis that may be determined by disinterested parties. I am concerned, however, about the probability, and almost the certainty, of some scheme of alienation of the public domain, by which parties who are speculating in this thing, will go there, or have already gone there, and have gotten such a title, or putative title, that as soon as this bill, if we shall adopt the Nicaragua route, passes and becomes a law these claimants will materialize and spring up in our pathway, with their hands reached out, so to speak, toward the Treasury, saying, "Stand and deliver." That is what I am speaking about. I am not concerned about the Maritime Canal Company at all.

Mr. HARRIS. The treaties and protocols which were made last year with Costa Rica and Nicaragua are within the Senator's reach. I do not know that I can say anything which will prevent him from having some fears of possible jobbery of that kind. This question has to be treated, I think, guarding it in every possible way against everything of that kind. I am not addressing myself particularly now, except in the way of a general comparison or contrast of the convention with Colombia and that with Nicaragua.

Mr. TILLMAN. If the Senator will pardon me—I do not want to interrupt him too much—I have here House of Representatives Document No. 611, containing a communication from the Secretary of State to the Colombian minister. There is some language in it which puts a rather new phase on the question of this proposed treaty of ours. I will read it to the Senator:

I have not yet received a definite proposition from the Government of Costa Rica, but am informed by the Costa Rican minister that his Government is ready to enter into satisfactory arrangement with that of the United States on the basis of the protocol of December 1, 1900; but that, as set forth in the recent message of President Iglesias, an extract from which I inclose,

it will be necessary that the Government of Costa Rica should, before entering into positive negotiations with that of the United States of America, adopt a constitutional amendment authorizing the necessary concessions for the construction of an interoceanic canal, or to have the matter referred to public opinion in some other way by calling a constituent assembly for the purpose. I am assured by the Costa Rican Government that these steps will be taken as soon as the Congress of the United States shall decide the question of the route of the canal.

In other words, it would appear that our foundation for commencing this work is a little questionable as to whether everything has gone on in an entirely satisfactory manner. We have not got the negotiations with Costa Rica in such shape that we can go forward treading on firm ground; but we are subjected to a possibility, or a necessity on the first hand, of a constitutional amendment or some other reference to the people of Costa Rica by a vote before they can give us this concession.

Therefore, if we pass this bill and authorize the construction of this canal upon this route, we will then be subject to the whims or the greed or whatever other motive might influence the Costa Rican Government or the Costa Rican people in dealing with us. In other words, we can not get an absolute and clean title or concession that would leave us to go forward without the very danger I have spoken of from Nicaragua.

Mr. HARRIS. Does the Senator ask me to explain that?

Mr. TILLMAN. I do not want the Senator to explain it unless he sees fit to do so. I am only making known my own doubts and ignorance; that is all.

Mr. HARRIS. I will simply say, Mr. President, that the statement which we have from the Costa Rican authorities is that for a perfect completion of this matter it will require some further action on the part of the people of that country. They have pledged themselves, as I understand it, and as indicated there, to do that. President Iglesias was here a few years ago, and assured us that his people were willing and anxious to do everything they possibly could.

It may be said in regard to the attitude of Costa Rica that she has a comparatively small interest in this matter; that her territory simply touches for a few miles on the line of the canal. We touch the San Juan River at a point some 3 or 4 miles above the mouth of the San Carlos. The Costa Rican territory abuts upon the San Juan River up to within 3 miles of the lake. There it leaves the river and skirts around the southern end of Lake Nicaragua. So the rights we have to obtain from Costa Rica are comparatively small, though, of course, necessary; but every assurance has been made that there will be no difficulty in that direction.

Now, Mr. President, I want to read what Mr. Lyman E. Cooley has said with regard to the question of saving in transportation rates. Here is a letter written by Mr. Cooley, dated March 21, 1903, in response to a letter from the Senator from Alabama [Mr. MORGAN]:

21 QUINCY STREET, CHICAGO, ILL., March 21, 1903.

DEAR SENATOR: I have given your inquiry of the 16th instant such attention as I could, and inclose herewith an approximate estimate of the cost of operating a steamship of 5,000 tons, net register, with a speed of 10 knots, on a sea route of 4,800 sea miles, and the saving to be effected by shortening the route by 600 miles. I have added some other comparisons and supplemented the same by some data from actual practice.

You will note that the saving is estimated at between 28 and 32 cents per cargo ton, or at between 33 and 38 cents per registered ton.

You will also note that for all lengths of route and classes of ship the saving is estimated at 20 to 30 cents per cargo ton and a probable average of 25 cents, or 24 to 36 cents per registered ton and a probable average of 30 cents. This is 30 per cent of canal tolls taken at \$1 per registered ton.

You will note further that the data of actual practice is in harmony with the steamship performance as made up in detail.

I call attention to my testimony before your committee on February 24, pages 37, 38. The rate is there given at one-third mill on long routes and the saving in distance as equivalent to 500 miles, in round numbers. This rate is to be regarded as a minimum rather than an average. The saving in length of route as given by the United States Coast and Geodetic Survey is 624 miles by Nicaragua over Panama. I also stated that the Nicaragua route treated as a high-level proposition need not involve over two hours more of lost time or detention than Panama. (See pp. 13, 36-37 of testimony.) So a saving of 600 miles can be practically realized by the best treatment of the Nicaragua route for all boats using the Yucatan Passage in the North Pacific trade.

The third consideration in importance, Mr. President, it seems to me, is that all kinds and classes of vessels must find it an attractive and advantageous route. Gentlemen who, for various reasons, have been connected with steamships are very positive in asserting that the day of the sailing vessel has entirely disappeared. This, it seems to me, can not be assumed to be true. While undoubtedly there has been a vast advance in the building of steamships, still, as the cheapest class of transportation known, sailing vessels will continue for many years to do a large share of our coasting trade; and also, with certain classes of freight, a large of the part of our foreign trade as well as of the rest of the world. It is conceded that so far as the Panama plan is concerned it is absolutely prohibitory and excludes all classes of sailing vessels.

I have here, Mr. President, from the Hydrographic Office a chart showing the route and distance to be sailed by sailing vessels both from Brito and Panama for all north point traffic. In going to San Francisco vessels have to sail far to the southwest from Panama through the variable and light airs of the region of the doldrums, south of the equator, making the distance, from Janu-

ary to May, 5,390 miles; from June to December, 5,000 miles. In coming from San Francisco to Panama, from June to November, the distance is 4,630 miles, and from December to May, 3,460 miles; whereas the distance to be sailed to Brito from San Francisco, from December to May, is 2,860 miles, and from January to June, 2,940 miles, while going to San Francisco at all seasons the distance is 4,120 miles.

I desire to insert as a part of my remarks an extract from the Shipping Industry of the United States, prepared by O. P. Austin, Chief of the Bureau of Statistics, without reading.

The extract referred to is as follows:

REVIVAL OF THE SAILING SHIP.

It is by no means certain that the bulk of the heavier freight of the future will not be carried in sailing ships. As the great centers of industry become more definitely localized and the visible supplies of the materials of industry and the quantities for consumption, such as cereals and provisions, can be more definitely ascertained in advance, it is quite possible that we will be more ready to substitute the less expensive and slower method of sail power for the more expensive but quicker method of steam propulsion, especially in the case of lumber, grain, provisions, cotton, and mineral oils.

All that is needed is the development of the facilities for the maintenance of a visible supply of these commodities in quantities sufficient to last a few months and to keep ahead of the rate of consumption to that extent—a thing that could be done without any extra cost to the consumer and without any apparent disadvantage to the producer or distributor. In fact, the reduction in the cost of distribution by the substitution of sail for steam would inure to the advantage of both producer and consumer.

The building of sailing ships has never been prosecuted with more success than in the United States. Our "clippers," prior to the civil war, caused the British no little uneasiness. The marine world bought hundreds of our sailing craft year by year, such was the prestige of the American sailing ship prior to 1860. The revival of faith in the sailing ship in the United States, especially in New England, is a promising sign of the beginning of a new era in this part of our constructive history. The large schooner seems to be the coming type of this form of craft. Many of them have been constructed in recent years, and their progress in number and size is proof of their commercial suitability.

The *George W. Wells*, a vessel built of wood and launched at Bean's shipyard at Camden, Me., last August, is 345 feet long on top, 48 feet 6 inches clear beam, and 23 feet deep. Her 6 masts are of Oregon pine, 119 feet long, and carry 12,000 square yards of the heavier sail. The materials of construction included 550 tons of white oak lumber, 1,000,000 feet of hard pine, about 100,000 feet of white-pine deck plank, and several hundred tons of iron and copper bolts. Not only does the *Wells* carry the cargo of a steam-propelled vessel of large dimensions, but she also transports it from port to port with a speed that would be a credit to many a steamship now trading on the Atlantic.

Take her maiden passage from Philadelphia to Habana as an instance. Laden with the largest cargo of coal ever taken into the Cuban capital, she sailed from the Pennsylvania city on the 14th of November, and, allowing a day for the clearing of the Breakwater, headed south, reaching her destination on the 21st, practically making the ocean voyage in the remarkable time of six days, a distance in excess of a thousand miles. Returning from Habana, the *Wells* touched at Brunswick and took aboard a cargo of 463,000 yellow-pine railroad ties for the Erie railroad. Thus laden, she once more set sail and headed for New York. When she arrived off Sandy Hook she had consumed three days and twenty-four hours in making the run from port to port.

When it is remembered that a coastwise steamship consumes generally three days in making the passage, the splendid sailing qualities of the big schooner can be appreciated.

At Bath a similar six-masted schooner was launched in October, 1900. One of the largest steel sailing ships ever built in the United States was the *Edward Seavey*, launched in October, 1899. It was a double-deck ship of 355 feet in length, a beam of 45 feet, 28 feet in depth, and with a 23-foot draft.

The tenacity with which the demands for sailing vessels has been maintained is illustrated by the following table. Recently the older practice of towing barges on lakes and in coastwise trade has lost some ground in favor of the sailing ship that can take care of itself in bad weather.

Gross tonnage of sailing and steam vessels built in the United States from 1870 to 1900.

[From Report United States Commissioner of Navigation.]

Year ending—	Sailing vessels.		Steam vessels.	
	Number.	Gross tons.	Number.	Gross tons.
June 30, 1870	816	146,340	290	70,621
1871	756	97,176	302	87,842
1872	645	76,291	292	62,210
1873	804	144,629	402	88,010
1874	961	216,316	404	101,930
1875	798	206,884	323	62,460
1876	698	118,672	338	69,252
1877	581	106,331	265	47,514
1878	532	106,066	334	81,860
1879	468	66,867	335	86,361
1880	460	59,057	343	78,853
1881	493	81,209	444	118,070
1882	666	118,798	502	121,843
1883	721	137,046	430	107,220
1884	706	120,621	410	91,328
1885	533	65,362	338	84,332
1886	405	41,237	240	44,467
1887	447	34,633	269	100,074
1888	423	48,590	430	142,006
1889	489	50,570	440	159,818
1890	505	102,873	410	159,045
1891	733	144,290	488	185,037
1892	846	83,217	438	92,631
1893	493	49,348	390	134,308
1894	477	37,827	293	83,720
1895	397	34,900	248	69,754
1896	369	65,236	286	138,023
1897	338	64,308	288	106,153
1898	359	34,416	304	105,838
1899	420	98,073	439	151,053
1900	504	116,460	422	202,623

It is possible, too, that the sailing vessel will be the feature of the merchant marine of the smaller nations as compared with the great national powers. The powers have to have speed in their warships to police the ocean and to guard their coasts. For that reason, among others, the steamship's rate of speed will be pushed to the limit of economical operation determined by the cost of fuel consumed, by the weight of fuel and machinery, and by space occupied by them.

This line of development will be worked out in the construction of the express type of passenger ships. Modern travel will follow this trend of construction, which insists on speed as the test of superiority in navigation. This is the direction the business of shipbuilding has been given in the German policy, where the naval and the mercantile developments are completely complementary parts of the same policy—the attainment of a first rank as a maritime power.

The other line of development, in which the militant or naval is subordinated to that of commercial policy, is illustrated in the case of Denmark. The mercantile marine of Denmark is comprised of 3,844 vessels of over 4 tons register, aggregating 423,549 registered tons. Of this total 3,305 were sailing vessels, measuring 165,338 tons, and 539 steamers of 258,241 tons. Even the larger nations have a considerable proportion of sailing tonnage to-day.

Comparison of steam and sailing tonnage, 1898.

Countries.	Steam.	Sail.	Total tonnage.
Austria-Hungary *	181,929	49,501	231,430
Belgium	89,237	1,734	90,971
Holland	213,913	88,311	302,224
Germany	1,038,391	601,161	1,639,552
Norway	437,570	1,120,808	1,558,378
Sweden *	234,636	289,490	524,126
Italy *	259,817	526,827	786,644
Japan	477,430	170,894	648,324
France	485,615	414,673	900,288
United Kingdom	6,613,917	2,387,943	9,001,860
Russia	299,725	254,416	554,141

* For 1898, from Progress of British Shipping for 1899.

A comparison of sail tonnage with total tonnage shows that Austria-Hungary has a sail tonnage amounting to 21 per cent of the total, Holland 29 per cent, Germany 36 per cent, Norway 72 per cent, Italy 67 per cent, France 47 per cent, the United Kingdom 26 per cent, and Russia 45 per cent.

Mr. HARRIS. I also wish to refer to the testimony of Mr. Harvey, who is a distinguished engineer, who has had great experience in this matter of canal traffic. I wish to say that Mr. Harvey's engineering experience is as follows:

My engineering connection with the national canal around the Falls of St. Marys River, at the outlet of Lake Superior, dates from its earliest utilization as a State public work in 1855.

He gives on pages 13 and 14 of Senate Document No. 303 some interesting comparisons respecting these two routes in regard to sailing ships. I will ask leave of the Senate to insert them without reading in order to save time.

The extract referred to is as follows:

GEOGRAPHICAL POSITION AND CONDITIONS.

The United States occupies a cross section of the continent of North America, facing eastward on the Atlantic Ocean for 3,000 and westward on the Pacific for 1,500 miles and, including the Territory of Alaska, an additional coast line on the Pacific and Arctic of 3,500 miles, or 7,000 miles in all.

The national interest evidently lies in shortening the distance to be traversed from one of these coast lines to the other as much as possible, and which the isthmian canal will reduce by over 10,000 miles. The "N" route lies nearest the same by about 500 miles of sailing distance, so that a round trip involves a saving of 1,000 miles over the "P" route, which means ninety hours, or nearly four days', extra time for the average freight steamers and double that for the average sailing vessels. It has been claimed that this is partly counterbalanced by a shorter time of transit through the "P" canal, but this may be reasonably doubted.

No account is taken in such comparison of the distance to be traversed in the Bay of Panama of 120 miles on the west, or in Colon Bay of about 10 miles on the east, to reach an equal offing from the main coast lines for laying northerly sailing courses. By adding these the "P" route, east and west, is a few miles longer than that of "N," and by the testimony of Commander Young before your committee it appears that both Panama and Colon bays have tortuous channels which require daylight and freedom from fogs to navigate safely. As the section of minimum canal width is about the same in both routes, and the remainder of the "N" route, having the enlarged areas of Nicaragua Lake, and its artificial elongation, will permit of full speed by steamers, and its additional elevation above sea level to be overcome by lockage being less than 20 feet, the alleged saving of transit time on the "P" route practically disappears, and a parity in that respect can be safely assumed for both.

The geographical position of the "P" route, being in the area or zone of calms or doldrums (as stated by several of the witnesses before your committee), practically lays an effective embargo against sailing craft being benefited by it, while the prevalence of reliable trade winds, or air currents, on the "N" route offers special advantages to sail propulsion.

These facts are brought out so positively in the documentary evidence published by your committee that I need not enlarge upon them, but when coupled with the statement that of the entire marine tonnage of the United States, aggregating by latest returns 2,095,000 tons, 1,285,000, or over 60 per cent, is sailing craft, the same becomes most momentous. Norway and Sweden have 1,144,000 tons of sail craft to 626,000 of steam, or over 70 per cent.

To rule out such proportions of the national and world's marine would seem a clearly preposterous proposition. To minimize the effect of these considerations it has been asserted that the use of sail craft is on a decline, which portends the almost universal use of steam marine power. But here again facts are against this theory. Improvements are taking place in the construction of sailing vessels which may place them in the lead as the most economical marine freighters. The old-style square-rigged ships are being supplanted by multiple-masted schooner-rigged vessels of larger dimensions than ever before employed. Thus seven-masted schooners of 3,000 and 4,000 tons burden are being built in the State of Maine shipyards, fitted with auxiliary steam engines, effecting a saving of nearly 75 per cent in the number of requisite sailing crew which a square-rigged ship of the same capacity would require.

The sending of sailors aloft to "take in sail" in a gale of wind is nearly obsolete. The sails of a modern sailing vessel are now handled by power

"winches" from the deck—a veritable revolution in marine industry, the far-reaching results of which students in such matters will appreciate as radically important in deciding as to the isthmian canal routes, which in one case prohibits and in the other favors the same.

It is well known that the building of sail craft has taken a new start in Germany, where one of some 5,000 tons burden has recently been added to the merchant marine, and that France is offering a bounty to vessels of that kind. This may be the result of farseeing statesmanship, in view of the economizing of coal consumption, which is fast becoming one of the great industrial problems of this century.

I will incidentally mention that when recently at the great fishery port of Gloucester, Mass., said to lead the world in that industry, I found that the best paying craft were schooner rigged, with an auxiliary screw operated by gasoline fuel. When sailing, the screw was uncoupled on the shaft, and, turning with the motion of the vessel, offered little resistance; but in calms or adverse winds was coupled, the fuel gas applied, and the vessel could be headed for a given point with a certainty of reaching it, which, in capturing schools of fish with "purse nets," was an invaluable feature.

This instance will serve to illustrate the conclusion that in all great canal plans and routes sailing craft interests with possible future increased developments should be provided for.

That this condition can be fulfilled on the "N" route alone is a fact conclusively proven by the evidence before your committee, and in my view of the case is one the importance of which can hardly be overestimated.

Mr. HARRIS. A fourth consideration of great importance, as indicated by the Commission itself, is the character and extent and resources of the country that will be developed.

Aside from the main points involved in this question, as to the practicability of construction, the cost, the commercial advantages, etc., one of the most important details to be considered is as to the nature of the country through which the canal would be constructed, its resources, products, and future prospects. It is manifest that a canal constructed through a desert, as at Suez, or across a barren mountain ridge, would not be as advantageous to its owners and constructors as a canal through a fertile country, productive of valuable agricultural and mineral sources of wealth.

All the testimony that has been gathered in regard to this branch of the subject agrees that the Nicaraguan route would prove remarkably advantageous in this respect. Before the hearings of the canal committees of the Senate and House began everyone knew, from the perusal of official statistics, that the Republics of Nicaragua and Costa Rica were productive of many important and valuable commodities and naturally capable of becoming very much more productive under proper cultivation and favorable circumstances for development. Abundant testimony at the various committee hearings has fully confirmed these previous opinions and has made it evident that a canal constructed along the proposed Nicaraguan route would at once and naturally become the outlet for very large quantities of agricultural and forest products, most of which would naturally tend to the American markets and have a stimulating and broadening influence upon our trade and commerce.

It is quite evident also from the testimony that the climate of the regions along the proposed route is extremely fine and of such a nature as to attract citizens of this country and enable them to live there at all seasons of the year in perfect comfort and health and to assist in the development of the natural resources with which Nicaragua and Costa Rica have been so lavishly endowed. The American and English engineers who have passed many months in active outdoor work in those regions unite in declaring that the country along the route of the proposed canal is most agreeable and healthful and the climate far more salubrious than that of most tropical countries; that the temperature is moderate and even, at all times of the day and all the year round, and that the nights are always cool, even in midsummer.

In regard to the products of the region, it is shown beyond question that Nicaragua is capable of becoming one of the greatest coffee-producing countries in the world; that its coffee is the equal of the best coffee produced anywhere, and is so regarded in the European markets. It is recorded that last year a certain variety of coffee grown in Nicaragua brought the highest price paid in London for any coffee. This coffee, by the way, it should be noticed, was grown by a colony of United States citizens consisting of about 80 families who had settled there and engaged in the coffee business. The Nicaragua coffee is little known in this country, but with the opening of the canal it would doubtless become an important item in our imports.

Other principal productions of Nicaragua are india rubber, bananas, cacao, cane sugar, cotton, corn, tobacco, rice, yams, sweet potatoes, bread fruit, and coconuts. The rubber trees are plentiful, and if properly developed by American enterprise the rubber business of the region would soon assume extensive proportions. The same may be said in regard to all the other products named. The exports of Nicaragua would be increased tenfold in a short time if the two desiderata of American enterprise and improved waterway communication were supplied. The soil is very rich, and the climate favorable for abundant crop yields of all the above-mentioned agricultural products, and many more besides.

Turning to another class of Nicaraguan products, the country contains some of the finest and most valuable forest growths to

be found anywhere in the world. The principal trees are the mahogany, the cedar, the wild cotton tree, the lignum vitae, the oak, the rosewood, many varieties of palms, dyewoods in abundance, and many other valuable and merchantable woods, some of which have no counterpart in our own forests. There is also a vast amount of medicinal plants and herbs, and also of textile plants, like pita, from which the strongest ropes are made, and agave, which yields the sisal hemp.

Cattle raising is another feature of the region, and the mineral resources of the country are believed to be almost boundless. There is gold in abundance, also silver, copper, tin, lead, and other metals, as testified by our own consuls and other good authorities.

It is important to remember that in all these branches of industry and production a great deal has already been done by the Nicaraguans themselves, and that the country is already in a flourishing state of development, so that immediately upon the opening of the canal and the improvement of the harbors the benefit of the increased commerce with that region would be felt by our own people. It is not as if it were a case of a new and wild and altogether undeveloped country. Its great lack hitherto has been of suitable means of communication with the outside world. When that communication is established on a proper scale, as contemplated in the canal scheme, and when aided by an additional infusion of American enterprise, the resources of Nicaragua will develop by leaps and bounds, and the chief beneficiary of our neighbor will be the United States.

The conditions are much the same as regards the other country along the line of the proposed canal—Costa Rica. In that favored land also there are bountiful agricultural products, a superb climate, inexhaustibly fertile soil, remarkable mineral wealth, and vast quantities of useful woods. Railways, manufacturing establishments, electrical plants, and other appliances of modern civilization have been introduced in both Nicaragua and Costa Rica to a considerable extent of late years, and with improved means of transportation between those countries and this country doubtless there will arise there a large demand for our labor-saving agricultural machinery. Labor is abundant in both countries, and not only extremely competent and reasonable in cost, but also very accommodating and willing in spirit, faithful and conscientious.

The commerce of both countries is steadily and rapidly increasing in spite of their lack of transportation facilities. Costa Rica does a total annual business with foreign countries amounting to more than \$15,000,000, or an average of about \$60 per capita of her population—a larger per capita than that of France, Italy, or Spain. Her trade, however, has been mostly with Europe. It will be a different story when the canal is built. Nicaragua's foreign commerce is of about the same volume as that of Costa Rica. With the construction of the canal it is easy to see what great advances could and would be made in their trade and commerce and what great advantages to the trade and commerce of the United States would accrue therefrom.

Objections have been raised to the fact that the route along the San Juan River and across Lake Nicaragua to the Pacific is through a wilderness and a virgin country. This I regard, Mr. President, as fortunate rather than otherwise. We have here no complex problems involving the control of a turbulent, disorderly, infected native population. The zone of the canal will be practically occupied only by the people under the immediate control of and connected with the canal construction. There are no towns, and there is no demand for any joint commission, having criminal or civil jurisdiction—none of the intricate and exasperating problems that are clearly indicated in the other case. I can not do better than to quote here from the testimony of Mr. Lyman E. Cooley, who examined the entire line in company with a number of gentlemen who were interested in the question of taking a contract for the construction of the canal.

Mr. TELLER. In what year was that?

Mr. HARRIS. Last year. The chairman asked Mr. Cooley this question:

The CHAIRMAN. I wish now to ask you as one having knowledge of the business of contracting on great works, as well as a knowledge of the business of engineering on great works, is it your opinion that American contractors can be obtained to complete the Panama Canal at the price estimated by the Panama Canal Commission? Do you remember what their price is?

Mr. COOLEY. One hundred and forty-six million dollars.

The CHAIRMAN. Yes. Take all the conditions together, the health, and a man supplying his own labor, doing all the work and furnishing all the material.

Mr. COOLEY. I think you will be able to get men who will bid on the Panama Canal. I think you will get many more men of more mature judgment, and not so adventurous, who will bid on Nicaragua; and I think that of the class of men who ought to be considered as competent through experience to undertake this work, they would feel that there was more money to be made in building the Nicaragua Canal at the figures of the Commission than there is to be made in the building of the Panama Canal at the figures of the Commission. What that difference would be I do not know. My judgment is that they would load the Panama bid at least 20 per cent as compared with the Nicaragua.

The CHAIRMAN. When you take the \$40,000,000 or the \$50,000,000 we will have to pay for the Panama Canal and for the Colombian concessions, and expend that on the Nicaragua route, then as to the balance of the work, up to

the estimates of the Commission, would you think that American contractors would have any difficulty in taking the Nicaragua route in preference to the Panama route as it is?

Mr. COOLEY. Without question. If that \$40,000,000 could be spent with great intelligence and not in a rush, quietly expended, so as to get the full benefit of it, there would be no comparison in the two situations at the conclusion of that expenditure, in my judgment.

The CHAIRMAN. If I understand your testimony, then, Mr. Cooley, in a general way you are of opinion that the Nicaragua route is, after all, the cheapest route to construct?

Mr. COOLEY. I think that is true.

Speaking of the project, Mr. Cooley said on page 1084:

Mr. COOLEY. Yes; which is very much wider—30 feet wider—than the present project; and of that width of canal, in the whole route, there was less than 12 miles, as I recall, from sea level to sea level, at foot of locks at either end. Everything else was wider. The river division we did not treat as thoroughly as the canal divisions, because that was regarded as a work subject to betterment in the future. I think our dimensions were 250 feet wide on the bottom and 320 feet at bends, and 270 feet in Lake Nicaragua, if I remember right.

We made our canal for 36 feet of water, or 4 feet below the level of the miter sills, which were to be 32 feet. I believe that in these great rock cuts the bottom of the canal ought to be some feet below the level of the miter sills.

The locks were to be 80 feet by 700. I do not now recall the dimensions of the last proposition. I think they are a little wider, and about the same length. [84 by 740 feet.]

The river division was made 32 feet deep, with the idea of deepening in the future.

The work as a whole provided a better canal than is now estimated, through which a 10-knot vessel could pass in probably 24 to 25 hours, in place of 33, as estimated now.

I will say without hesitation that the estimates submitted by the last Commission are sufficient to cover such a canal, and I believe that if the Government wishes to entertain a proposition to build it from a syndicate of men, that people could be had who will agree to do it and will give sufficient bond.

The CHAIRMAN. Have you any objection to stating the aggregate amount of your estimate?

Mr. COOLEY. Yes; I do not think I should do that. That is private property.

The CHAIRMAN. I do not want to call for private property.

Mr. COOLEY. It has cost me a great deal of labor and time.

The CHAIRMAN. Was it greater or less than the estimate of the Isthmian Canal Commission?

Mr. COOLEY. Less.

Senator MILLARD. Do I understand that in dollars your estimate would be below the estimate that has been submitted here?

Mr. COOLEY. Yes.

Senator MILLARD. And your plan contemplated a wider canal?

Mr. COOLEY. Yes.

Senator MILLARD. And you contemplate double locks?

Mr. COOLEY. Yes. It would be, I think, a safe statement to say that under the present conditions of the market, as to materials and labor, a canal can be built of the dimensions and on the plan that I speak of for the aggregate Commission estimate. In speaking of estimates, however, I wish to be distinctly understood. They are valid only for a syndicate that undertakes the entire enterprise. I can not undertake to discount the cost under other conditions of design, management, and construction.

Senator KITTREDGE. Did your plans include the construction of harbors?

Mr. COOLEY. Yes.

I have some further testimony from Mr. Cooley, but with the consent of the Senate will simply have it printed without reading. The testimony referred to is as follows:

Mr. COOLEY. Mr. de Lesseps and his coadjutors endeavored to maintain before the public the original sea-level proposition. So they proposed to construct this canal in steps, and cut out a step at a time, and eventually reach a sea-level canal. There was no final plan as to how that should be done further than was covered in the contract with Eiffel for some steel locks.

Let me say in that connection that the United States undertook an investigation of this matter in President Grant's day by the appointment of a commission consisting of Daniel Ammen, Chief of the Bureau of Navigation; General Humphreys, Chief of Engineers, United States Army, and Carlisle Patterson, Chief of the Coast Survey; that these gentlemen reached a conclusion and published that conclusion in 1876, I think, declaring unanimously in favor of the Nicaragua route as the most practicable route.

That has stood as the judgment of the profession on that matter ever since, and it was advocated by our delegates at the conference at Paris, in 1879, I think, where we sent Mr. Menocal and Mr. Ammen and Mr. Johnson; that the English representatives and Russian representatives cooperated, and it was admitted generally that the Nicaragua route was the best route for a high-level canal; and the conference would have so decided, but as the matter progressed De Lesseps came before the conference with the proposition that this must be a sea-level canal, and on this condition the vote was for Panama, with a large number of the foreign delegates not voting. That is the history of the matter. That judgment stood on its merits as the judgment of American engineers until this last report.

Now, the Frenchmen never even claimed that their route was suitable for a high-level canal in comparison with Nicaragua until as a later proposition it became necessary to save their bacon by building a lock canal. There were good reasons for the American people entertaining a preference for Nicaragua, because that is the unbroken decision on the matter as the results of all investigations.

The CHAIRMAN. For a great many years.

Mr. COOLEY. Ever since 1876. I personally can see no reason for changing that judgment now.

Mr. COOLEY. I think it is a very unwise man who says that the sailing vessel as an agency of commerce has become obsolete. I think he is dealing with the appearance of things and not with the philosophy of them.

The point I was going to make further was this, that you are building this canal to save distance. You save 9,500 miles, we will say, by Panama, and you save 10,000 miles by Nicaragua from New Orleans to San Francisco by those routes. That is 5 per cent. You can afford to pay 5 per cent extra to save that 500 miles. If you are paying \$190,000,000 for 9,500 miles saving, you can afford to pay \$10,000,000 more to shorten that 500 miles more, assuming that the distance is worth the same as the 9,500 miles you have paid for. On that basis you can afford to pay \$10,000,000 more for the Nicaragua Canal.

Take it on a further point. We will assume that a vessel can steam 3,000 miles for a dollar a ton. That is about the way of reckoning it when rates are running normally. On long routes it is something better than that. On a sailing route between San Francisco and Liverpool or Portland and Liverpool on wheat it is, say, a third of a mill per ton per mile. If you can save 500 miles, you save a sixth of a dollar on every ton of freight that is going

through there. If it is 7,000,000 tons, that is \$1,200,000 a year. Now, you have got \$10,000,000 capital to your credit on account of saving this 500 miles, and you have got \$1,200,000 a year in saving on the total traffic on the cost of running it by the shorter route. That is an offset against the excessive estimates for cost of operation and maintenance.

I say that, without prejudice, I hope, because I went down there without determined conviction and came back with a predilection for the Panama route that stayed by me for some months. It is so open down there, you can see things so plainly, you can see so clearly how you can divide the work up into sections and set contractors to work, that it produces a very strong impression on you at first, and I say that impression stayed with me for a long time, and until I had worked out in my mind clearly the preliminary programme by which the Nicaragua route should be put into a condition also to subdivide into contracts.

You are in a wilderness in much of Nicaragua. It is not easy to see things. The physical discomfort in getting around is simply enormous on the eastern division. Fortunately I had the good sense, I congratulate myself on that, to select men who were pioneer men, who had been doing pioneer work, not municipal contractors, but men who had been out against the frontier, and engineers of the same class, who would not be deterred by an unbroken wilderness. And one of these men remarked, in a very significant way, that if the country was cleared up, if there were roads where men could ride about with a buggy and get around comfortably, and if there were good hotels at convenient intervals, it would make every difference in the world in a man's mental attitude.

You may look for the average man who undertakes to examine these routes to be in favor of Panama for that reason. I did not discover anything in Nicaragua that was equal to an Arkansas canebrake in the St. Francis bottoms. I did not discover anything in the way of a forest that was equal to a Wisconsin forest. I did not discover anything in the way of insects that was equal to experiences I have had on the Missouri River bottoms in the State of Nebraska.

We looked particularly into the health conditions, and I am just as confident of the health conditions in Nicaragua as I am along the Gulf coast of the United States; and I am not as confident of the health conditions at Panama.

I believe that those conditions, the mere difference on that one thing of comparative health alone, will make the difference between a profit and a loss to a syndicate that undertakes to build these works. I believe, further, that if you will take the \$40,000,000 with which it is proposed to buy the situation at Panama, and spend that sum judiciously in Nicaragua, and then recall this same Commission, there will not be a question of doubt as to the superiority of the Nicaragua route in the mind of any man who has signed this last report. That is my best judgment, and I am very firm in that conclusion.

The CHAIRMAN. Did the harbor at Colon impress you as a safe harbor, or an accessible one?

Mr. COOLEY. There are no harbors on the Panama route, any more than there are at Nicaragua. The harbor of Colon is absolutely untenable under any onshore wind. When we reached Colon every ship had been to sea for four days, and only reached port on the heels of the same storm in which we went down the Atlantic.

On the Panama side there has never been a harbor. There has been light-erage out to the anchorage, some 3 miles from shore, ever since there was a transit across the Isthmus. It is true there is an anchorage there, and that there is ample protection behind the islands in Panama Bay. They have developed this underwater cut of some 3 miles in length to La Boca, or to the landing stage, in connection with the Panama Railroad. That is only since 1899, I think.

At Greytown you have nothing. At Brito of course you have nothing. Four miles from Brito you have a small working harbor, San Juan del Sur, that will hold a few vessels, which gives you a temporary base on the Pacific.

The CHAIRMAN. Is San Juan del Sur a safe harbor?

Mr. COOLEY. Yes.

The CHAIRMAN. Deep water?

Mr. COOLEY. Oh, yes.

The CHAIRMAN. Four miles away from Brito?

Mr. COOLEY. Yes.

The CHAIRMAN. To get to it you have got to sail up the coast and come into Brito?

Mr. COOLEY. It is one of those little bottle-shaped harbors, just big enough for a steamer to get into and turn around. All the Pacific Mail steamers run in there and land their mails for Nicaragua. It is the old port used by Vanderbilt in the Nicaragua transit. With a mere spur of a railroad running down there from Brito you can use it temporarily, until you can open up your works at Brito; so that problem solves itself.

There is absolutely no access at Greytown until you make it, except light-erage without shelter, but you can run out a pier for a couple of thousand feet, and do some dredging alongside, involving a moderate amount of work, and then you can get vessels in there drawing 12 and 15 feet of water; and when you have this foothold, you can do anything.

The conditions are most excellent on both shores for producing good harbors, and especially on the Pacific shore for producing a harbor that is much superior to anything that can be produced at Panama. I think possibly they can produce one at Colon as good as at Greytown; but as proposed now the harbor in either case is in the mouth of the canal, simply an enlargement of a canal section.

The CHAIRMAN. How would the floods in the San Juan compare with the floods in the Chagres?

Mr. COOLEY. The floods in the San Juan proper?

The CHAIRMAN. I mean from San Carlos.

Mr. COOLEY. The floods in the San Juan proper are nominal. It is a lake-controlled stream, and you could hardly speak of floods there, only in a minor degree from local streams any more than you could down the St. Lawrence or on the Great Lakes. There is a variation in the volume of the water, but nothing in the nature of a flood as we understand the word "flood."

Mr. HARRIS. In further consideration of the physical features of the canal, I desire also to call attention to what has been said by the technical commission of engineers appointed by the Panama Canal Company in their report of December 16, 1898. That is the international commission to which I alluded and to which the Senator from Ohio alluded the other day as a commission of great ability. The commission, composed of some of the ablest engineers in Europe, clearly and distinctly condemned first the possibility of a sea-level canal. They also clearly and distinctly condemned the plan of the canal which has been adopted by our Canal Commission. Their report is found in Senate Document No. 303, and from page 60 of that document I read as follows:

The technical commission has uniformly adopted as principles from which no deviation was allowed in the several studies and which restricted

their scope: (1) Every solution must be rejected a priori which, in itself, and apart from any consideration of time and expense, does not present absolute guaranty of certain success.

I think that, while applied there to a comparison of different plans of specific work, it applies with absolute certainty to the consideration of the two routes. As I have said before, absolute certainty of success is the first essential. You must not undertake a canal which will prove a failure in construction and which will exhaust the patience of the country in the expenditure either of time or money. We can not undertake any doubtful proposition. We must have, as far as it is possible in human wisdom, certainty of success before us.

The Commission continue:

(2) In preparing the plans of the several structures required by so important and complicated a work, such types only should be adopted as have been proved to be satisfactory by experience, barring out all innovations which might lead to failure. (3) In the examination of all questions, the special conditions under which the work is to be executed should be taken into account, as well as the characteristics of the climate, the influence of which may show itself in the inferior quality of labor and in the reduced efficiency of the personnel which directs it. Hence the necessity to plan only simple structures requiring no special conditions in the means of execution.

In every study are found, as principal questions to solve, the three fundamental problems which arose in all plans prepared previous to those of the new company, viz, possible depth of the central cut; mode of water supply; mode of controlling the Chagres freshets.

They considered the height of the lake; they determined that it is necessary to have a dam across the Chagres at Bohio; that there must be an artificial lake there, and in speaking of that they say:

Considering the importance of that structure in relation to the safety of the canal itself, it was deemed that here more than anywhere else it was necessary to be very cautious, and consequently the maximum elevation of 20 meters (65.6 feet) was fixed upon as that of the level of the lake to be formed by the building of the Bohio Dam.

They also state that it is absolutely necessary to provide for a dam at Alajuela, entirely omitted in the estimates of our Commission.

On page 64 they say:

The elaborate discussion of the conditions to be fulfilled in order to harmonize the regulation of the Chagres freshets with the exigencies of water supply for the canal has established the necessity of making provision for two large reservoirs or artificial lakes. The first one, comprising the central region of the canal and containing one of the levels thereof, would be formed by the building of the Bohio Dam (P. K. 24), and would have a maximum flood height fixed at elevation 20 meters (65.6 feet) or thereabouts.

On page 66 they say:

The advisability of building the Alajuela Dam, with its storage reserve, even in the case that a feeder should become unnecessary (on account of Lake Bohio forming the summit level)—

Which is the plan indicated by our Commission—

results from two main considerations: First. The abandonment of Lake Alajuela would lead to the concentration of all the surplus flood waters in the Bohio Lake, which would be possible only by giving the dam an increase of several meters more in height, a scheme unanimously looked upon as over bold—

That is precisely the proposition which our Commission recommends.

Mr. STEWART. What is the height which our Commission recommends?

Mr. HARRIS. Our Commission makes the height of the dam 90 feet, and this Commission says that 65.6 feet is the limit of safety—"a scheme unanimously looked upon as over bold."

Mr. HANNA. May I ask the Senator from what page he is reading?

Mr. HARRIS. Page 66 of Senate Document No. 303, being the report of the technical commission. They continue—

or by lowering the minimum level of the lake as well as that of the bottom of the central cut by several meters, which is not admissible. Second. The abandonment of the upper lake, which constitutes the first regulator of the Chagres floods, would allow that river to enter furiously that portion of the canal territory occupied by the Bohio Lake, where are found, for several kilometers near the point of ingress, bends and natural narrows where the total volume of the freshets would certainly produce currents detrimental and dangerous to navigation.

On page 69, speaking of the second type, the commission say:

In the one a single lake only is to be built—Lake Bohio—and it must provide for all necessities—the water supply and operation of the canal and the regulation of the freshets of the Chagres. In this system, the bottom of the summit level being established at elevation 10 meters (32.8 feet), the maximum level of its water surface, which would be also that of the lake, could reach elevation 24.50 meters (80.4 feet) in the large freshets, and the Bohio Dam should be raised to elevation 27.50 meters (90.2 feet), which would be about 30 meters (98.4 feet) above its foundations. In the other a first lake would be formed on the Upper Chagres by the Alajuela Dam; the function of this lake would be to store up all water needed for supplying and operating the canal, as well as a great portion (the largest) of the excess of the freshets.

In that case, the bottom of the summit level remaining practically at the same elevation as before, the maximum level of Lake Bohio would not exceed elevation 20.50 meters (67.3 feet), and the dam would remain very nearly within the limits established for all the plans of the first type. This solution is the only one meeting the conditions for the regulating of the freshets without giving the Bohio Dam such portions as are considered too bold. On that account principally, and also by reason of the advantages which, in any event, the Alajuela Dam presents by providing a considerable hydraulic power and by permitting a preliminary regulation of the Chagres before entering the canal territory, it has appeared proper to adopt this solution preferably to the first.

Mr. President, it seems to me we may be pardoned for differing even with the eminent engineers who constitute the Isthmian Canal Commission in view of the fact—

Mr. TELLER. What was it from which the Senator read?

Mr. HARRIS. The report of the international commission to the French company.

Mr. TELLER. I should like to ask the Senator to state what reason they give for limiting to 65 feet, if they do.

Mr. HARRIS. I thought I had stated it—on account of the pressure upon the dam. They consider it too great a head for a dam to withstand with the foundation there and a dam of the character which they propose to build.

Mr. TELLER. I should like to say that they were French engineers and not American engineers, or they would not have been scared at a 65-foot dam.

Mr. HARRIS. You have to take into consideration the character of the foundation.

Mr. TELLER. I have examined into the question, and I find that the foundation is all right.

Mr. HARRIS. Mr. President, I will take up, as the Senator suggested, some consideration of this dam. Not only have we the opinion of these engineers that it is necessary to have a lower dam at Bohio, but that it is also absolutely necessary to have a dam at Alajuela, creating a lake on the upper waters of the Chagres for the sake of restraining the floods of that stream and preventing them, as they say, from rushing furiously at right angles into the canal. But our engineers differ among themselves as to what should be done in this case. Among the members of the Commission there was by no means unanimity with regard to the plan proposed.

The map on the western wall of the Senate Chamber shows the geological valley of the Chagres. It shows there that to an enormous depth, a hundred and twenty-eight feet below the sea level, which is 8 feet below the level of the Chagres River, making really a hundred and thirty-seven feet as the depth of water which has to be penetrated, there is a great mass of sand and gravel mixed with streaks of clay. The Commission itself considered it unsafe to put upon that any sort of a superstructure without sinking something as an impervious curtain clear down to the solid rock.

They made borings at various points two or three hundred feet apart, and they determined that the rock existed in that as indicated on the map there. The pneumatic work is some thirteen hundred and fourteen feet. It is 8 feet below the Chagres, and the pneumatic head must be considered all the time as having 8 feet added to the distances estimated as below sea level. Thirteen hundred and fourteen feet of that has to be done by pneumatic work, and of that more than half, as you will see by the profile there, is, at these great depths, from a hundred and twenty-four to a hundred and twenty-six feet below sea level.

Mr. Morison, who was highly commended by the Senator from Ohio, and for whom I have the highest admiration, as I know something of his magnificent work in sinking foundations for our Western bridges, piers, and abutments—and I think no one in this country knows more about pneumatic work than Mr. Morison—does not regard that as the best plan, and he substitutes another. The question of doing pneumatic work at that depth is one of tremendous difficulty, and is admitted by all persons to be so. The greatest depth to which pneumatic work has been done here is about 115 feet.

At depths of about 100 feet, as testified to by Mr. Noble and others, men can work only one hour at a time and three hours out of the twenty-four, and that it involves loss of life and a great deal of serious physical injury. They have to be picked men. At 135 to 137 feet the pressure is 60 pounds per square inch, and you can readily imagine what men would have to stand to do work with that enormous atmospheric pressure.

Mr. Noble, I believe, thought that possibly at 128 feet men might work for three-quarters of an hour at a time, but very able engineers have suggested that the question of temperature has to be taken into consideration, and so have the French engineers indicated. The depths at which we have worked in this country have been where the temperature has seldom been over 40° or 50°. Down there the thermal temperature is said to be from 80° to 90°. That again constitutes a tremendous difficulty in the prosecution of such a work.

Mr. Morison, in the Proceedings of the American Society of Civil Engineers for January, has a paper which I think will be found of great interest to the Senate. It begins:

All engineers who have examined the route of the Panama Canal agree that the neighborhood of Bohio is the only available location for the dam by which the summit level must be maintained. On the other hand, there have been wide differences of opinion as to how this dam should be constructed, and how high it could safely be built. While it would be an exaggeration to say that the conditions met here are unprecedented, they call for engineering skill and judgment of the highest order. A dam built to meet the requirements which have been imposed in other localities would be enormously expensive. The real skill of an engineer is shown in designing the least

expensive safe structure adapted to the particular case in hand, even though it may not comply with requirements commonly demanded.

On page 3 he says:

Permeable sand and gravel are found in the lowest part of the geological channel, overlaid by a heavy and tight blanket of finer alluvial deposit. There are strong probabilities that this permeable material connects with the river either above or below, or both, the evidence of this being that when a pipe is driven into this material the water in the pipe stands at the same level as that in the river.

On page 8 he says:

The technical commission—

From whose report I have read—

The technical commission, to whom the entire scheme of the new Panama Company was submitted for approval, thought it wise to limit the head of water against this dam to about 66 feet, or 20 meters. There seems to have been no reason for this particular limit, except the general judgment of the engineers forming the commission that it was not wise to expose an earth dam to a greater pressure of water.

On page 10 he says:

The plan adopted by the Isthmian Canal Commission was designed to resist a normal head of water of 90 feet, or about 25 feet more than the limit arbitrarily adopted for the French dam.

The design involves the extension of pneumatic work to unprecedented depths, and involves special details in making the joints between the caissons tight.

The location selected for this dam is below that chosen by the French engineers, and practically at right angles to the French dam, the length of the dam, as well as the cross section of the valley, on this line being double that on the French location. The desire to limit the depth of pneumatic work led to the selection of this line, but it is possible that additional borings might find a deeper hole here.

Mr. Morison, when testifying before the Commission, admitted that, the borings being from 200 to 300 feet apart, it was impossible to tell what further crevices and depressions there might be found in the bedrock. He says:

There can be little doubt that a dam of this character can be built.

Mr. Morison, I remember, at one of the hearings before the committee several years ago testified that nothing was impossible, given money and time enough.

It involves novel and untried features. Few engineers, even among those who feel that they could construct it, would be ready to say in advance how the work would be done. The difficulties, taken in connection with the climate and other surroundings, are enormous.

He then proceeds to give the total cost, and he provides for a temporary dam, and says it is necessary for the Commission's plan, and his table has a singular mistake in it, figuring pneumatic work 108,410 yards at \$21.50. It should be \$29.50 per cubic yard as the figure given by the Commission. So the total cost of the dam, with the temporary dam he suggests, \$885,445, should be \$9,146,850 on the Commission's plan. He says, on page 17:

None of the foregoing estimates includes any provision for a temporary dam by which the waters of the Chagres would be diverted through some other route during the construction of the permanent dam.

Therefore he adds the \$885,000 which I have mentioned.

Mr. Morison proceeds to recommend an earth dam of an enormous size. I believe Mr. Morison's theory is really the best solution of the problem. He says of it further, on page 20:

This, however, does not tell the full story. On the American Isthmus the difficulties attending the use of skilled labor are very great. The amount of skilled labor required on the French dam is comparatively small; the Commission's plan requires a large amount; in the third plan—

Which is Mr. Morison's—

the use of skilled labor is practically limited to the construction of the temporary steel dam and its masonry foundation. The third plan—

The Morison plan—

really means the construction of an elevated plateau of very large dimensions, the surface area of the earth filling between the rock-fill dams being 57 acres. These dimensions may almost be called stupendous.

His plan contemplates the construction of an enormous rock-fill dam, of the full height required, 90 feet, and then some two thousand or twenty-two hundred feet lower down another dam similar to that, except lower, and the filling in of this enormous space, flanked by the hills of the valley, with material to be taken from the body of the canal—earth and gravel and all the materials to be dumped in there—which would be placing a mountain across the valley of the Chagres River.

There has been a good deal of discussion in the Society of Civil Engineers with regard to this matter. In the March number of the proceedings of the Society of Civil Engineers are some discussions to which I wish to call attention. Mr. Burr, who was one of the Commission, and is a member of the Society of Civil Engineers, said:

In reality, that excessive and erratic variation in the strata of material disclosed by the borings is one of the most striking features of the whole situation. It exhibits clearly, among other things, the danger of drawing any conclusions as to the impermeability of the upper strata of material, which, as Mr. Morison indicates, are either clay or sand, or a mixture of the two. Further, it is essential, in dealing with this general question, to realize fully that the order of the strata as found at one section may be radically different in one or more of the other sections; indeed, that is generally the case.

Further than that, at the same elevation and in the same section, practically clear coarse sand may be disclosed by one boring, and blue clay with little

sand by another boring perhaps not more than 300 feet away. Again, yellow clay and sand may be found at the surface of one of the same borings and at 128 feet below the surface in the other. Indeed, the one persistent feature of the disclosures by the borings is the utter lack of uniformity of conditions on which any conclusions common to different sections can be based. The masses of material seem to be in the most irregular and irregularly limited strata or pockets.

He says further:

The limits of impermeable areas have not been defined and can not be predicted from the information gained by the Commission in its borings.

Again:

In these observations material which has been called sand is in some cases coarse enough to be classed as gravel. It will thus be seen that the total statement of the information actually disclosed by the borings at the various sites demonstrates conclusively a probability so strong as to amount to practical certainty that not only is the water of the river now in free connection with the pervious substrata of sand and gravel, but that the water of the lake, with its 90 feet additional head, would be a much freer connection.

Now, something has been said with regard to the possibility of pumping down the water where the caissons are being sunk and thus relieving the pneumatic head and relieving the pressure upon the men at work. Mr. Burr—and I desire in discussing this to be perfectly frank and to give the arguments on both sides—thinks something can be done in that direction. He says:

It is to be anticipated that water stands in the substrata at practically the elevation of the water in the river, or at least at sea level, but if pits are excavated in that plateau down to the previous strata, ample experience shows that the water in them could readily be pumped down to a considerable amount, which the writer believes would prove to be not less than 30 or 40 feet, with reasonable pump capacity.

That seems to be a very singular statement. I can imagine that in the small area occupied by a shaft, or even a pier of a bridge, pumps might work so as to relieve to some extent the pneumatic pressure, but these caissons are to be 30 by 100 feet, and as you proceed from one shore along the strata becomes loosened up, and the water has freer and freer access, and while you might possibly by enormous pumps reduce the head of water at one or two of the caissons nearest to the banks before going farther, it would be absolutely impossible to reduce that head to an extent which would relieve the pneumatic pressure at great depth.

You must remember that you can create a little saucer-shaped depression in water which would relieve to a certain extent within a few feet of that height; but pneumatic pressure comes from all sides, and water has pneumatic pressure laterally as well as vertically, and with that vast mass of material saturated with water, when you come down to depths below 100 feet it would still have the same pneumatic pressure as though you had no pumps in operation at all.

I find that view sustained by Mr. Morison himself. Mr. Morison, in the Proceedings of the American Society of Civil Engineers for May, on page 476, says:

Mr. Burr proposes to reduce his head for the pneumatic work by lowering the surface of the water from 30 to 40 feet around the caissons, which he believes could be done with reasonable pump capacity. If this can be done, it is the best possible evidence that the seepage will not be serious. To reduce the water pressure it is not only necessary to lower the water immediately around the caissons, but to take out enough water to reduce the head of saturation by 30 or 40 feet. Unless this is done, although the surface of the water may be lowered, the head of water against which atmospheric pressure must be provided will not be reduced.

There were some other engineers who commented upon this proposition. Mr. Edward P. North, who has been mentioned before, on page 310 of the Proceedings for March, says:

There seems to be an ambiguity as to the exact depth, as in one part of the Commission's report a minimum depth of 128 feet below tide is mentioned, and another part of the same report reads that the cofferdam is to be 8 feet above tide.

Of course by inference that simply grows out of the fact that they had some measurements from the sea-level line and others from the level of the Chagres at low water, which is 8 feet above sea level.

As the dam site is some 13 miles inland, it is assumed, subject to correction, that the air pressure in the caissons will be that due to 136 feet of water, or, virtually, 5 atmospheres.

It is assumed, and all will readily agree, that healthy men sustain small inconveniences when working 4-hour shifts under pressures of about 50 feet, but at 75 feet deaths are to be expected, and at 100 to 110 feet they occur with unpleasant frequency even among picked men; also, that in the Great Lakes 110 feet is about the limit of divers' work.

All these experiences have been had when the temperature of the water has been between 40° and 50° F. Whereas at the Bohio dam site the temperature of the water is about 80°, as the mean annual temperature—which governs, approximately, the temperature of deep-seated springs—is about 80°; and further, this is the temperature assumed by Mr. Allen Hazen in his percolation formula for that locality. This high temperature in the caissons must add materially to the distress of those working in them.

When to these difficulties is added the fact that, as far back as the seventeenth century, maps have designated the Caribbean front of the Panama route as "The Grave of Bones," an evil reputation that has ever since been maintained, the necessity, as implied in this paper, for designing the least expensive safe structure adapted to the particular case in hand is apparent. Unless the head of water in the Chagres River can be pumped down to reduce the pressure in the caissons so that life will not be in great jeopardy, a procedure that is probably practicable during low-water flow of the river, the saying of forty years ago, "that each tie on the Panama Railroad cost a human life," will be repeated as to the depths in feet to which the caissons are sunk.

Mr. Theodore Paschke, an engineer member of the society, says on page 313 of the same volume:

Indeed, the writer is of the opinion that it is only a question of time when the whole artificial lake which the proposed dam will form will be filled with silt—

He had been arguing in favor of Mr. Morison's plan, because he believed that the silt brought down by the river will seal hermetically the front face of the rock-fill dam proposed by Mr. Morison—

which the proposed dam will form will be filled with silt, except the channel necessary for the Chagres waters to flow either to the spillway during floods or to the locks of the canal, and that if no provision is made for such exigency the ulterior object of creating this artificial lake will be defeated.

Mr. Edmund Duryea, jr., speaking of Mr. Morison's plan, said:

Mr. Morison states that the criticism made on his plan is that "it permits seepage through the permeable sand and gravel in the lower part of the geological valley."

His plan makes no attempt to prevent or diminish this seepage, and he contents himself with showing that the amount of water thus lost is relatively unimportant. It is just possible, however, that the actual amount of seepage might prove to be much larger than he believes can be the case, and it is this possibility which seems to be the objectionable feature of the plan. This objection will be removed if any practicable plan can be found which will prevent or diminish the amount of seepage. Such a plan will be most reassuring and most effective if it is of such a nature that it can be applied either before or after the construction of the dam.

There are a great many other comments, all of interest, upon the plans, showing a great difference of opinion, whereas when it comes to the construction of the Conchuda dam, which is the corresponding feature on the Nicaragua line, there is absolutely no difference of opinion and no criticism whatever. The only difference of opinion with regard to that is that of Mr. Cooley, who thinks that a cheaper form of dam, but equally effective, can be substituted. The foundations go there to the absolutely solid rock. It is less than one-half of the length of the other.

I wish Senators would pay some attention to this profile, which is enlarged, as the others are, from the maps of the Commission itself. It will be found that these caissons sink down squarely into the rock. It is found that the borings there have gone down from 15 to 20 feet into the rock. The foundation is absolutely determined from bank to bank. The boring holes have been put in from 50 to 100 feet apart; in some cases 25 feet apart. Not only that, but three parallel lines of them have been put down. The greater part of the caissons will be sunk on what is practically the shore of the river. Only four of them are in the river. Only two of them go down to the greatest depth of minus 25. The total height of the dam is plus 97. That gives the entire elevation 122 feet as the total height of superstructure from its lowest point to its highest point, in comparison with 228 feet in the other dam.

On the other dam, as I said, the pneumatic work is 1,314 feet. In this case it is 731 feet, and with an elevation rising only 122 feet from the lowest point of the foundation. The height of the caissons gradually rise so that the great part of them will be sunk at not to exceed minus 10 or minus 6 feet below the level of the ocean.

Mr. President, if you will examine the detailed map I think you will discover some very remarkable features. Here is the detailed map of the Commission [exhibiting], showing the Conchuda dam. Absolutely every detail is worked out. There are no problems there which have not been solved. A contractor can take this plan and proceed upon the work. He knows absolutely what he is going to do.

Every engineer concedes that such a dam will be absolutely effective, and that it is easily within the limits of well-known engineering experience. The discussion of the Bohio dam indicates differences of opinion. Engineers who advocate the plan of the Commission admit the difficulty of sinking those enormous caissons 100 feet absolutely straight. They have to be sunk down straight, and the core wall, as it is called, 30 feet thick, is built upon them. As a result, I forget the number of different caissons, but you simply have a series of columns of concrete more or less in contact, and they have to be made water-tight afterwards. Their plan is a semicircular cavity in each one of these columns of concrete, which will be kept parallel to each other, and after they are put down concrete will be poured into those holes and thus hermetically sealed.

That has been denied as possible by a great many engineers, and, even with your enormously expensive core wall, the impossibility of obtaining impermeability seems to be conceded all around. There will be more or less leakage. It is conceded that this core wall has no strength in itself, but that the entire retaining power of the dam is found in the great rock-fill dams that come up on each side of it.

As to the question of earthquake shocks, can you imagine anything more easily affected by an earthquake shock than an enormous dam 228 feet high, composed of practically isolated columns 30 feet thick and 100 feet long, without any tie whatever connecting them, and merely held in place by loose rock on each side?

It is a great risk, Mr. President, and while I am perfectly willing to concede that it can be done, as other engineers have said it can be done, and I do not pretend to say that the Commission is not reasonably safe in saying it can be done, yet the uncertainties, as was admitted by Colonel Ernst and by several others of the engineers who were before the committee, are very great, and the difficulties and loss of life will be something enormous.

In the plan which the Commission has prepared of the Bohio Dam they simply give a profile and a cross section and suggestion as to the core wall. They do not show that their borings go down into the solid rock. They are 200 and 300 feet apart. It is admitted that there may be unknown difficulties and unknown depths to be encountered between those borings.

It is the element of uncertainty, Mr. President, in the construction of this gigantic work that makes me pause and hesitate before I can possibly consent to it, before I can think that there will be any of the other advantages that may be enumerated in behalf of the Panama Canal.

There are some other points with regard to the physical matters. As a matter of course, the Culebra cut is the most gigantic piece of excavation that has ever been undertaken. It is 8 miles long. There are still 43,000,000 cubic yards of earth to be removed. I noticed in one of the New York papers a comparison was made between that and the cut at Tamborcito, on the other line. The cut at Tamborcito has greater height. It is a sharp peak, but it only measures 3,000 feet from the entrance of the cut to the other end of the cut. It is composed of rock, which will be used in the construction of the dam, and it will become really a valuable quarry in that respect. Every particle of rock taken from it will be utilized. It contains an insignificant amount. The idea of comparing a cut 3,000 feet long with a cut 8 miles long is too absurd to contemplate for a moment.

Mr. MITCHELL. It has only 18,000,000 cubic yards.

Mr. HARRIS. It has only 18,000,000 cubic yards, as against 43,000,000 in the Culebra cut.

Now, then, with regard to curvatures. My distinguished friend the Senator from Ohio [Mr. HANNA], to whom I am willing to accord all of the experience and the ability which are justly his, with regard to some matters connected with transportation, sailing vessels, etc., has had a good deal to say about the difficulties involved in the curvatures.

It is true, Mr. President, that there is some curvature, a greater length of curve line, as a matter of course, in the Nicaragua Canal; it is a longer line. It has 70.51 miles of lake; it has 49.64 miles of river; it has 46.17 miles on the eastern division and 17.34 miles on the western division. There are really 63.51 miles actual, distinct canalization. That is really to my mind a somewhat proper measure of the differences between these two canals. There are 63.51 miles of canal on one as against thirty-three and some hundredths on the other. Lake Bohio will give lake navigation for 13 miles, and on the other route there is improved river navigation to the extent of 49.64 miles and 70.51 of lake navigation.

Now about the curves. Let us see which is the sharpest curve on either line. When I use the expression "sharp" I want to be able to give an explanation of it. I inquired of my friend the distinguished Senator from Ohio [Mr. HANNA] the other day what he meant by saying that one curve was twice or three times as sharp as another. I understand that that occurred in certain questions which he had propounded to certain sea captains, etc.

I am sorry that his speech has not been printed, because I should like to have seen those questions exactly as they were; but it was my understanding that the assertion was made that on the Nicaraguan line the curves were two or three times as sharp as on the Panama line. Now, that must necessarily mean, if it means anything, that the curves on the Nicaraguan line have one-half or one-third of the radius that the curves on the Panama Canal line have. We need be in no doubt with regard to that. On page 99 of the Commission's report we find the following table of curvatures on the Panama line:

Number of curves.	Length.		Radius.	Total curvature.
	Miles.	Feet.		
1	0.88	19,629	14	17
1	.48	13,123	11	04
4	4.22	11,483	111	32
15	11.61	9,842	355	50
4	2.44	8,202	90	20
2	1.67	6,562	77	00
1	.73	6,234	35	45
1	.82	3,281	75	51
Total	22.85		771	39

So we have on the Panama line the sharpest curve that occurs on either line. I am perfectly willing to concede, as the Commission states, that they have provided a sufficient width of channel,

so that that is not injurious. They stated in their report, as they did before the committee, that wherever a curvature existed they had provided for additional width of channel, and that there was no curve on either line which presented any particular difficulty in operation.

There has been a good deal said about having a tug at one end and a tug at the other. That has occurred, I believe, on the Manchester Canal, where vessels have to pass around a curvature of less than 2,000 feet; but the idea of making curvature in this case an essential difficulty is simply imaginary, in my judgment, and is not worthy of consideration.

Let me give some facts in regard to the curvature on the other route. Of course there are a great number of miles of curvature. The total degrees of curvature are greater, but the smallest curve that exists on the other has a radius of 4,045 feet. The next is 4,175 feet. The next is 4,297 feet. The next is 4,911 feet. Then there is one of 4,982 feet, and then it runs from 5,000 on up to 17,000 feet. So in no single case does a curve exist that is twice as sharp as the other, or that bears any relation to such an expression, or that presents any difficulty in navigation.

Mr. HANNA. As the Senator has referred to the statement I made, I want to give my authority. It is found in the testimony of Colonel Ernst, on page 613:

Colonel Ernst submits a statement taken from the report of the Commission as to the curves and radius of the same on both the Panama and Nicaragua routes. That table shows that on the Nicaragua route there are 56 curves and on the Panama 29, the total curvature on the Nicaragua route being more than three times that of the Panama route.

That is what I intended to say.

Mr. HARRIS. That is perfectly intelligible.

Mr. HANNA. I was criticised by the Senator for making that statement.

Mr. HARRIS. Not at all. If the Senator will pardon me, that was not exactly the statement which he made. As I remember, the questions were that one curve was—

Mr. HANNA. Three times as sharp.

Mr. HARRIS. Three times as sharp as the other.

Mr. HANNA. That was the language I used and that is the source of information. Now, one word more, and then I will not interrupt the Senator again. He has just emphasized the fact that there is one curve on the Panama Canal that is sharper than any curve on the Nicaragua Canal. That is hardly a fair statement of the case, because—

Mr. HARRIS. I read from the tables of the Commission.

Mr. HANNA. Very well; then I will take the tables of the Commission with the explanation I made, that the curve is immediately at the entrance of the proposed improvement of Colon Harbor, which is already a harbor, and the lee is made by projection, so that the docks are built under the lee of this projection. It was the proposition of the engineers, in order to avail themselves of that lee, to use those docks already built as the opening to the canal, and vessels coming in would go up to the dock before they would start through the canal.

Now, in making that turn around the headland they have made the sharpest curve that is made, and to accommodate that they widen out the bay, which is a natural bay there, five or six hundred feet. It can go up to one thousand or two thousand feet. It is 800 feet now. It is simply a question of rounding the headland and coming up to the dock. It has nothing to do with the passage of the canal or the canal proper.

Mr. HARRIS. I wish to be perfectly fair. I said it was at the entrance of the canal and that the channel was of such width it made absolutely no difference; it did not affect it at all. I simply claim that the Commission has provided everywhere, on both routes, for this question of curvature. There is no difficulty. The only point I am seeking to offset is the argument which the Senator from Ohio made in the hypothetical question or the real question which he propounded to the shipmasters as to which route they would prefer.

In those questions it was distinctly stated, as I understood it, that curves existed two or three times as sharp on the Nicaragua line as existed on the Panama line. The truth of the matter is that that is not the fact. There may be—let us suppose a case—four curves each of 1,000 feet radius, each describing a quadrant of 90 degrees, and constituting 360 degrees of curvature. Another curve may be only 90 degrees, 1 quadrant, of the same radius, but the four curves will circle 360 degrees, but certainly are not four times as sharp as the one which only describes a quadrant of 90 degrees, but are just the same in that respect. It is that distinction I am trying to make plain.

Now, here is what Admiral Walker has to say in regard to the navigation of the canal. Admiral Walker was asked by Senator Hanna:

Senator HANNA. Do you think that any large ship—the maximum-sized ship—operating in this canal could go around these bends without the aid of a tug? I mean steamships or otherwise.

Admiral WALKER. I think they would go without a tug by both canals. Senator HANNA. Could they make all the turns?

Admiral WALKER. I think so.

Senator HANNA. Suppose the wind was blowing pretty hard?

Admiral WALKER. If there was a strong breeze, it might occasionally cause some trouble. By the Nicaragua line there would at times be a considerable current from the lake to the Conchuda dam; with a strong wind blowing and a strong current they might have difficulty without a tug, but under ordinary circumstances I think they would go through without difficulty.

Senator HARRIS. Did not the Commission work out this question of curvature in detail in such a manner as to show clearly that no curvature is estimated in this work which would involve any difficulty in a vessel passing through there?

Admiral WALKER. I think there are no curves that would involve any particular difficulty, ordinarily. Of course, with a strong wind blowing or with a strong current a large ship might get into some trouble.

Senator HARRIS. That might happen anywhere on either route.

Admiral WALKER. Yes; but both routes are practically good enough for steamers to pass through with their own power.

Mr. President, with regard to this effect of wind, certainly if any difficulty was to be apprehended I do not know why the impression is made that there is a steady breeze blowing straight up the San Juan River all the time, a 16-knot breeze. The trade winds pass over that depression in the mountains. There is air in motion. But the San Juan River, as our friend insists, is an extremely tortuous stream. It is surrounded by high hills on each side. It is a forest-covered country, and there could be no great trouble from winds in that locality.

On the Suez Canal, which is built across the desert, where the winds of the desert sweep perpetually at right angles to the canal, a much narrower canal, there has never been any great difficulty so far as winds are concerned, and there will be none here. Sailing vessels have to pass through with a tug; steam vessels under ordinary circumstances unquestionably, as Admiral Walker indicates, would pass through with their own power.

Now, as to the harbors. Much stress has been laid upon the superior advantages of the Panama line in this respect. I concede, Mr. President, that there is an advantage in having harbors of a character at least sufficient for immediate use, and there will be some convenience in such harbors as now exist at Colon and Panama. In spite of the boasted superiority of the Panama route, however, we find the Commission estimating for the cost of the harbor at Colon \$8,057,707; and even then it will have many objections. It is a harbor opening to the north, and whenever the northers blow here it has been established beyond question that all shipping is obliged to put to sea or to take refuge at Porto Bello.

I was surprised to find that in spite of all that had been said of the difficulties at Greytown the Commission estimates only \$2,198,000 as necessary to provide an absolutely safe harbor at that point. Thirty thousand dollars is estimated as the cost of maintaining the harbor at Colon, and an indefinite estimate, which is admittedly based upon a very vague idea as to the amount of dredging which may or may not have to be done, is made for Greytown of \$100,000, and is included in the cost of maintenance. So far as Panama is concerned, it can hardly be called a harbor but, as there are no winds, anchorage out in the open roadstead is assumed to be safe; and $4\frac{1}{2}$ miles of a deep channel has to be completed to secure proper depth of water.

The estimate for the cost of the Brito harbor and entrance, including jetty, is only a million and a half. Admiral Walker says there is no particular difficulty in making it, and that it would be a perfectly good harbor, and that when once made it would require no very great cost for maintenance. It would take care of itself pretty much. There would be occasionally a little work, but not much. It is conceded that at San Juan del Sur, on the Pacific side, there is a safe and sufficient harbor for the preliminary work. The same can be found at a point not far from Greytown with but little difficulty. It seems to me the advantages which have been so much dilated upon as to the superiority of the harbors on the Panama line absolutely disappear.

Mr. President, it is not necessary for Senators on either side of this question to enter into protestations of the sincerity of their motives. There is no one who desires to impugn the motives of any member of this body. Certainly I would be the last man in the world to impute to anyone any improper motives. We have the right here to differ, we have the right to give our arguments, and we have a right to our opinions as to what is proper and just. To me there is no sectional consideration in this matter. No one section of the country is to be benefited, but the entire country is to be benefited. The canal is to my mind of great importance as a great measure of national defense.

I had hoped that a treaty could have been negotiated with Great Britain which would permit vessels engaged in our coastwise trade to pass through the canal absolutely free of tolls, and I regretted exceedingly that that was not provided for in the treaty. I understand that it is a possibility, but we should have it clearly and distinctly stated that no other power has a right to interfere with regulations which we may see fit to make as to our coastwise trade. I wanted the canal to be just as free to our coastwise trade as the mouth of the Mississippi River or as the entrance to New York Harbor. Our own ships, anything cov-

ered by the American flag, engaged in our domestic commerce, ought to go through the canal without the payment of toll. That is the view I take of it.

For that reason, I desire to again emphasize my reluctance to see the country committed to the construction of a canal which will be a bar forever to the use of sailing vessels. I do not believe that sailing vessels are to be thrown aside in this country, with its great coast line, with its magnificent supplies of timber, with the energy of a half dozen men who can get together, more particularly in the great State of Maine, where they can build a schooner and own her and operate her by a separate and independent little partnership. That is the kind of traffic that I believe we have to rely upon as against the great shipping trust. I want to see the independence of the individual preserved and promoted in every possible way, and I can not think it possible that this country is going to spend these hundreds of millions of dollars in the construction of a canal through which the sailing vessel never can pass with any certainty of reaching its destination at a given time.

I have here, and other Senators have had it laid upon their desks, a report of the Hydrographic Office. I have given the distances; but I should like to have Senators look at the diagram and see the differences in the route which is to be sailed. A sailing vessel, if a canal is constructed on the Panama route, will have to go south of the equator from June to November, and from January to May it is pretty nearly the same. It is prohibition absolutely to the sailing vessel. The unfortunate thing about the Suez Canal has been that, owing to the difficult navigation and the variable winds of the Red Sea, it is practically not used by sailing ships. That is an unfortunate necessity. In this case we have a choice of routes.

I do not know, Mr. President, that I have anything further at present that I desire to say in regard to this matter. I do know, as I said a while ago, that nobody would for a moment have whispered any imputation in this Chamber as to the motives of any Senator, but I do know that all over the country outside of this Chamber the people who are opposed to any canal are all now anxiously advocating the adoption of the Panama route. They seem to think that that is an indefinite continuance of the subject, that we will at least enter upon the doldrums of legislative, financial, and diplomatic difficulty, where we shall drift about at the mercy of the varying currents, subject to indefinite and variable winds, without arriving in port at any time. I fear that. I fear complications with the Colombian Government.

I fear the complications that will come up with regard to the enormous loss of the French people. It seems to my mind absolutely impossible that this New Panama Canal Company can all at once dispossess itself of the property which it took over from the old company upon a contract to complete the canal and with a pledge to pay the robbed victims of the old management 60 per cent of the profits in this transaction. Those things are absolutely insuperable to me.

The conditions of construction are dangerous and uncertain. The construction of the canal at Panama is certain to involve an enormous loss of life.

I have here some data in regard to climatic conditions there which I shall not introduce. I believe the Senate is thoroughly convinced that the Panama line is one of the most unhealthy regions of the world. The records as to that are complete and full in every direction. It is a peculiarly fatal country. The city of Panama itself is a perpetual center of infection for yellow fever; it is a filthy town; it has not been washed for four hundred years; and if we undertake to supply that city with aqueducts and with water facilities, it will cost us millions and millions of dollars, and it will lead to all sorts of conflict on this proposition which ought never to be entertained for a moment.

I hope, Mr. President, that no man who desires to see a canal built, no man who desires to see a practical and practicable canal built, will be led off by the last recommendation of the Commission, which seems to be one based simply upon a little financial consideration, practically a bargain-counter proposition. Engineers have condemned that all over the world; and while I believe with American energy, with American skill, and with the Treasury of the United States to back them, and with unlimited time, they can make an open strait, if they desire it, across that Isthmus, yet I hope that it will not be a matter that we will relegate to future generations.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (S. 3374) to protect forest reserves, and for other purposes.

Mr. MORGAN. Mr. President, I object to any other business until the Senator from Washington [Mr. TURNER] can take the floor. He desires to take the floor upon the pending bill.

The PRESIDENT pro tempore. The Senator from Alabama objects to the consideration of the bill asked for by the Senator from South Dakota [Mr. KITTREDGE].

Mr. CULLOM. Does the Senator from Washington desire to go on this evening?

Mr. TURNER. I have no disposition to go on this evening unless the Senate desires me to do so.

Mr. MORGAN. I desire to ask the Senator from Washington to yield to me for a few moments. I want to make a statement in respect to a question asked by the Senator from South Carolina [Mr. TILLMAN] of the Senator from Kansas [Mr. HARRIS], as it is necessary to have the matter cleared up in order to save further time hereafter. I want this bill to progress as rapidly as possible.

The PRESIDENT pro tempore. The Senator from Washington [Mr. TURNER] is recognized by the Chair.

Mr. TURNER. I yield to the Senator from Alabama.

Mr. MORGAN. Mr. President, the Senator from South Carolina [Mr. TILLMAN] asked a question of the Senator from Kansas [Mr. HARRIS], at the time he was on the floor, relating to the eleventh article of the proposed convention submitted by Nicaragua for the consideration of this Government, not for adoption by this Congress, but for the consideration of the diplomatic authorities of the Government. It is this:

ARTICLE XI.

Although maintaining that upon principles of justice no valid claims of citizens of the United States exist against Nicaragua, the latter accepts the engagement of the United States to pay and to discharge Nicaragua from all liability on account of claims of citizens of the United States which may have arisen prior to the date of the signing of this convention.

Shortly after I came to the Senate, twenty-five years ago, I was put upon the committee, of which Senator Hamlin, of Maine, was chairman, called the "Nicaraguan Claims Committee," out of which originated the present Inter-oceanic Canal Committee. A number of claims were sent before that committee in favor of citizens of the United States against Nicaragua, and counterclaims resulting from the destruction of Greytown. These claims had originated at the time or shortly after the time that a United States vessel burned Greytown. The claims have been pending from that time on to the present date.

This Government although very often importuned by citizens of the United States to press those claims has never done so; for what reason I can not conjecture. Doubtless in the progress of the discussion of this matter those claims have been mentioned; but they have not any connection in the world with the canal. They were claims for outrages that were alleged to have been perpetrated upon our citizens passing between California and New York, one of those claims being in behalf of a merchant of some distinction and a great deal of property who was killed in Nicaragua. His daughters have been living in this town and pressing that claim from that day to this without any consideration on the part of this Government except an occasional admonition to Nicaragua that the claim ought to be settled. Nicaragua in starting out on a fresh movement with us wanted naturally to have all difficulties of that sort removed, and this article was intended to cover claims of that kind, or perhaps three or four of them, and I suppose altogether they do not amount to \$500,000.

The Senator from South Carolina and many other Senators seem to suppose that Article XI was intended to cover claims in behalf or in favor of the Maritime Canal Company against Nicaragua. The impossibility of that, Mr. President, clearly appears when I state the fact that in the charter which Congress granted to the Maritime Canal Company it was expressly based upon concessions that had been made by Nicaragua and were expected to be made by Costa Rica to this Maritime Canal Company. The language of the first section of the act is:

Be it enacted, etc., That Frederick Billings, Charles P. Daly, Daniel Ammen, Francis A. Stout, Horace L. Hotchkiss, Edward F. Beale, Hiram Hitchcock, C. Ridgely Goodwin, A. C. Cheney, J. F. O'Shaughnessy, H. C. Taylor, J. W. Miller, A. S. Crowninshield, A. G. Menocal, Charles H. Stebbins, T. Harrison Garrett, Jules Aldige, R. A. Lancaster, Alfred E. Mills, Gustav E. Kissell, Horace Fairbanks, George H. Robinson, Alfred B. Darling, Joseph E. McDonald, James Roosevelt, Christian Devries, Frederick F. Thompson, Henry A. Parr, and such other persons as may be associated with them and their successors are hereby constituted and created a body corporate and politic indeed and in law by the name, style, and title of "The Maritime Canal Company of Nicaragua," for the construction, equipment, management, and operation of a ship canal from the Atlantic to the Pacific Ocean, either entirely through the territory of the Republic of Nicaragua or through Nicaragua and in part through the territory of the Republic of Costa Rica, with such collateral, connecting, or cross canals as may be necessary to connect therewith, and to exercise such other powers as have been conferred by the Government of Nicaragua by the concession of that Republic to the Nicaragua Canal Association, through Mr. A. G. Menocal, its representative, and dated the 23d day of March, A. D. 1887, and finally approved by the legislative and executive authority of the Republic on the 20th, 23d, and 24th days of April, A. D. 1887, and such powers as the Republic of Costa Rica may confer of the same kind as those named in said concession; and the said Maritime Canal Company of Nicaragua by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity within the United States; may make and have a common seal, and shall have and possess the rights, powers, and privileges usually possessed by similar companies.

It may receive, purchase, hold, and convey such real and personal estate, property, and rights of property, or concessionary rights as may be necessary to carry into effect the purposes of this act; may issue stock to the amount of the just value of such estate, property, and rights, and for work and labor done, or materials provided in the execution of the work of con-

*structing said ship canal; and the stock issued for these purposes shall be deemed paid-up stock and shall not be liable to any further calls or assessments; may do all lawful things to secure the full enjoyment of the powers, privileges, rights, benefits, and grants contained in any canal concession so made by the Republic of Nicaragua, or to be made by the Republic of Costa Rica, as aforesaid; and to aid in the construction of said canal and to carry out the purposes of this act, the said Maritime Canal Company of Nicaragua is hereby authorized to issue its bonds, and to secure the same by mortgage on its property and rights of property of all kinds and descriptions, real, personal, and mixed, including its franchise to be a corporation. The principal office of said corporation shall be in the city of New York, and all legal process may be served upon the person who may at the time be in charge of said office or upon the attorney of said company, whose name and address shall be certified by the president of the company; and such certificate shall be filed in the office of the Secretary of State of the United States: *Provided, however, That nothing in this act contained shall be so construed as to commit the United States to any pecuniary liability whatever for or on account of said company, nor shall the United States be held in any wise liable or responsible in any form or by any implication for any debt or liability, in any form which said company may incur, nor be held as guaranteeing any engagement or contract of said company, or as having assumed, by virtue of this act, any responsibility for the acts or proceedings of said company in any foreign country, or contracts or engagements entered into in the United States.**

The Senate will see there that the action of Congress in chartering that company was based upon this concession, and made for the purpose of carrying that concession into effect, and upon nothing else.

In the eleventh article of that concession, which I will read, it will appear that the Government of Nicaragua and also the Government of Costa Rica were shareholders, corporators, in this company chartered by the Congress of the United States—a very novel position, but still that is the law:

ARTICLE XI.

The Government of Nicaragua in its character of shareholder in the company of execution, as hereinafter provided, shall have the perpetual right of naming one director, who shall be an integral part of the board of directors of the company, with all the rights, privileges, and advantages conferred upon them by the statutes of the company and the laws of the country under which it shall organize.

Here were two Republics coming into this corporation, the Maritime Canal Company, in virtue of this act of Congress, and also in virtue of the concession or agreement between them for constructing and operating the canal. Now, I should like to know how Nicaragua or Costa Rica as a member of that corporation can have a claim against the United States under any circumstances for any wrong that it might inflict upon its incorporators? Suppose that Nicaragua has mistreated the balance of the incorporators or the balance of the stockholders of the Maritime Canal Company, how can that give a claim against the United States? There is no such claim in existence—there never was pretended to be, and it can not exist. So that this eleventh article has no reference whatever to any such claim.

More than that, Mr. McKinley, on the 1st day of December, 1900, entered into a contract with Nicaragua, and on the same day and in the same words entered into a contract with Costa Rica, for what?

It is agreed between the two Governments that when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Nicaragua as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use, from a point near San Juan del Norte, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean, they mutually engage to enter into negotiations with each other to settle the plan and agreements, in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.

As a preliminary to such future negotiations, it is forthwith agreed that the course of said canal and the terminals thereof shall be the same that were stated in a treaty signed by the plenipotentiaries of the United States and Great Britain on February 5, 1900, and now pending in the Senate of the United States for confirmation, and that the provisions of the same shall be adhered to by the United States and Nicaragua.

In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

Done in duplicate, at Washington, this 1st day of December, 1900.

JOHN HAY. [SEAL.]
LUIS F. COREA. [SEAL.]

The treaty referred to there has been made on the part of Nicaragua and Costa Rica a part of this agreement by subsequent stipulations, which they have filed with the Secretary of State, and which have been reported to the Senate. Therefore the Hay-Pauncefote treaty, as it was ratified, contains the terms of this agreement, except so far as they are expressed in another part of it. That treaty was referred to merely for the purpose of showing what the terms of the agreement were. Now, what are they? That the United States shall have the exclusive right of constructing and maintaining a canal across that Isthmus between the terminal points stated here in this agreement. How could the United States acquire from Nicaragua and Costa Rica the exclusive right to construct a canal there if either Nicaragua or Costa Rica admitted that there was any outstanding claim in favor of the Maritime Canal Company? It is an impossibility. There is no such claim, and there can not be such a claim, because they have conceded to us under this agreement the exclusive right to construct, maintain, and control a canal across that Isthmus.

What does this agreement mean? I shall not go into a discussion of it. Does it mean anything? Mr. President, no wiser act

was ever performed by a President of the United States than Mr. McKinley performed in having that agreement drawn up and signed. Why? Because he foresaw that the very moment we should get into discussion here, France or England—and both of them have done that very thing since that time, as I can show to the Senate—would interpose for the purpose of trying to get Nicaragua to make the concession to them; which would cut us out. So he bound those States in this contract, and said that they should stay bound until the Congress of the United States refused to grant him the power to acquire that territory. My friends on the other side of the Chamber who profess to admire Mr. McKinley so much, and none of them admire him personally more than I do, or was fonder of him than I was, or had more confidence in him than I had, those gentlemen will understand when they look over this contract that William McKinley was not playing at pushpin in making it, but he was carrying out the most magnificent part of the whole of the diplomatic action that has taken place in regard to this canal.

Now, he has bound these Governments, and they claim that they are bound and that we are bound, to do what? To consider the agreement and also to authorize the President to acquire these rights, or if not, to release them. How can we hold them perpetually? Congress has the right, and has exercised it with the largest liberty, to postpone the consideration of this agreement of December, 1900, and here it is hanging in the air now, and Nicaragua and Costa Rica both pressing for consideration.

The moment we refuse to accept it that moment they are free. The moment we pass a law authorizing the President of the United States to acquire the lands mentioned therein—the "territory," it is called—for the exclusive purpose of erecting and controlling and managing a canal, that moment they are bound.

Now, sir, I wanted to put that in a clear light before the Senate. There is no use bringing up here quips and quiddities, questions of no value. Let us do justice to the subject and to each other on this occasion.

Mr. CULLOM. Mr. President—

Mr. TURNER. I understand I have the floor.

Mr. CULLOM. I merely wish to make a motion.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Washington when the unfinished business is taken up to-morrow.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 10, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 9, 1902.

CONSULS.

Frank W. Mahin, of Iowa, now consul at Reichenberg, Austria, to be consul of the United States at Nottingham, England, vice Silas C. McFarland, nominated to be consul at Reichenberg.

Silas C. McFarland, of Iowa, now consul at Nottingham, England, to be consul of the United States at Reichenberg, Austria, vice Frank W. Mahin, nominated to be consul at Nottingham.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

To be major-generals.

Brig. Gen. John C. Bates, United States Army, July 15, 1902, vice Wheaton, to be retired from active service that date, under the requirements of the act of Congress approved June 30, 1882.

Brig. Gen. George W. Davis, United States Army, July 21, 1902, vice Brooke, to be retired from active service that date, under the requirements of the act of Congress approved June 30, 1882.

To be brigadier-generals.

Col. Theodore J. Wint, Sixth Cavalry, June 9, 1902, vice Whiteside, retired from active service.

Col. Frank D. Baldwin, Twenty-seventh Infantry, June 9, 1902, vice Lincoln, retired from active service.

Col. Jesse M. Lee, Thirtieth Infantry, June 17, 1902, vice Bird, to be retired from active service that date, under the requirements of the act of Congress approved June 30, 1882.

Col. William H. Carter, assistant adjutant-general, vice Bates, nominated for appointment as major-general, United States Army, to rank from the date of acceptance by that officer of his commission as major-general.

Maj. Tasker H. Bliss, commissary, vice Davis, nominated for appointment as major-general, United States Army, to rank from the date of acceptance by that officer of his commission as major-general.

MEDICAL DEPARTMENT.

Col. William H. Forwood, assistant surgeon-general, to be Surgeon-General for a period of four years, with the rank of brigadier-general, June 8, 1902, vice Sternberg, retired from active service.

ATTORNEY.

Henry Terrell, of Texas, to be United States attorney for the western district of Texas. A reappointment, his term having expired June 5, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 9, 1902.

CONSUL.

John F. Jewell, of Illinois, to be consul of the United States at Martinique, West Indies.

POSTMASTERS.

Joseph M. Ickes, to be postmaster at Newark, in the county of Licking and State of Ohio.

Clifford B. McCoy, to be postmaster at Coshocton, in the county of Coshocton and State of Ohio.

Henry Thomas, to be postmaster at Cuyahoga Falls, in the county of Summit and State of Ohio.

Thomas N. Tarbox, to be postmaster at Cedarville, in the county of Greene and State of Ohio.

Eugene A. Deardorff, to be postmaster at New Philadelphia, in the county of Tuscarawas and State of Ohio.

Thomas L. Flattery, to be postmaster at Wooster, in the county of Wayne and State of Ohio.

John W. Morris, to be postmaster at Piqua, in the county of Miami and State of Ohio.

John P. Barden, to be postmaster at Painesville, in the county of Lake and State of Ohio.

Lewis O. Cooper, to be postmaster at Middleport, in the county of Meigs and State of Ohio.

Augustus J. Eminger, to be postmaster at Miamisburg, in the county of Montgomery and State of Ohio.

Robert S. Fulton, to be postmaster at Germantown, in the county of Montgomery and State of Ohio.

Cyrus McNeely Scott, to be postmaster at Arkansas City, in the county of Cowley and State of Kansas.

Isaac A. Hill, to be postmaster at Harriman, in the county of Roane and State of Tennessee.

Gale Armstrong, to be postmaster at Rogersville, in the county of Hawkins and State of Tennessee.

HOUSE OF REPRESENTATIVES.

MONDAY, June 9, 1902.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, June 7, 1902, was read, corrected, and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. POWERS of Massachusetts, for one week, on account of important business.

To Mr. STEWART of New Jersey, for one week, on account of important business.

To Mr. DEEMER, for one week, on account of important business.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5931. An act granting an increase of pension to Clara E. Daniels—to the Committee on Pensions.

S. 5879. An act to remove the charge of desertion from the Army record of Eli Hibbard—to the Committee on Military Affairs.

S. 4374. An act granting an increase of pension to Abraham Shreeves—to the Committee on Invalid Pensions.

S. 4183. An act granting an increase of pension to Oceana B. Irwin—to the Committee on Invalid Pensions.

S. 5049. An act for the relief of Sylvester Van Sickle—to the Committee on Invalid Pensions.

S. 5045. An act granting an increase of pension to Mary A. Moore—to the Committee on Invalid Pensions.

S. 5836. An act granting an increase of pension to Jesse Nesbit Smith—to the Committee on Pensions.

S. 4623. An act granting an increase of pension to Lewis F. Ross—to the Committee on Invalid Pensions.

S. 5774. An act granting a pension to Asa E. Sampson—to the Committee on Invalid Pensions.

S. 5719. An act granting an increase of pension to Sidney V. Lund—to the Committee on Invalid Pensions.

S. 1980. An act granting a pension to William D. Stites—to the Committee on Invalid Pensions.

S. 4709. An act granting a pension to Nelson W. Wade—to the Committee on Invalid Pensions.

S. 3508. An act granting an increase of pension to James M. Thomas—to the Committee on Invalid Pensions.

S. 586. An act for the relief of Frank C. Darling—to the Committee on Indian Affairs.

S. 3493. An act granting an increase of pension to Charles W. Rose—to the Committee on Invalid Pensions.

S. 5893. An act granting an increase of pension to Willie Thomas—to the Committee on Invalid Pensions.

S. 5361. An act granting an increase of pension to Martha A. Johnston—to the Committee on Invalid Pensions.

S. 473. An act granting an increase of pension to Mabry H. Presley—to the Committee on Invalid Pensions.

S. 1801. An act granting an increase of pension to James K. Van Matre—to the Committee on Invalid Pensions.

S. 1205. An act granting an increase of pension to Isabelle H. Irish—to the Committee on Pensions.

S. 1193. An act granting an increase of pension to Jane M. Meyer—to the Committee on Invalid Pensions.

S. 5782. An act granting an increase of pension to Nannie B. Turner—to the Committee on Invalid Pensions.

S. 1944. An act granting an increase of pension to Ann E. Tillson—to the Committee on Invalid Pensions.

S. 3236. An act to correct the military record of Hays Gaskill—to the Committee on Military Affairs.

S. 1479. An act granting an increase of pension to Thomas L. Caughey—to the Committee on Invalid Pensions.

S. 4923. An act to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes—to the Committee on Indian Affairs.

S. R. 83. Joint resolution directing the Secretary of War to investigate the feasibility of operating an ocean dredger on the bar at the mouth of the Columbia River, in the States of Oregon and Washington—to the Committee on Rivers and Harbors.

S. 5491. An act granting an increase of pension to John R. Sandbury—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9592. An act granting a pension to Emily Briggs;

H. R. 7687. An act granting an increase of pension to Charles C. Washburn;

H. R. 12796. An act providing for free homesteads in the Ute Indian Reservation in Colorado;

H. R. 949. An act for the relief of Charles H. Robinson;

H. R. 1992. An act granting the right of way to the Alafia, Manatee and Gulf Coast Railway Company through the United States light-house and military reservations on Gasparilla Island, in the State of Florida;

H. R. 12085. An act providing for the completion of a light and fog-signal station in the Patapsco River, Maryland;

H. R. 7034. An act for the relief of Navajo County, Ariz.; and

H. R. 8736. An act ratifying the act of the territorial legislature of Arizona, approved March 2, 1901, providing a fund for the erection of additional buildings for the University of Arizona.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4071. An act granting an increase of pension to George C. Tillman; and

S. 4927. An act granting an increase of pension to Hattie M. Whitney.

JUDSON G. HOWELL.

By unanimous consent, on motion of Mr. WRIGHT, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Judson G. Howell, Fifty-sixth Congress, no adverse report having been made thereon.

PERSONAL EXPLANATION.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent that I may have two minutes for the purpose of making a personal explanation or statement.

The SPEAKER. The gentleman from New York asks unanimous consent to have two minutes for a personal explanation. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, is it with respect to the pending measure?

Mr. RAY of New York. Yes; in regard to the pending measure, with reference to something said in the debate.

The SPEAKER. The Chair hears no objection.

Mr. RAY of New York. Mr. Speaker, all I care to say is that on Saturday, in the course of the five-minute debate, I asserted emphatically that there were certain provisions of the Revised Statutes of the United States providing a minimum punishment of imprisonment without naming a maximum. A gentleman who is not present, and whose name I will not therefore mention, as emphatically asserted they were not there and challenged me to produce them. Of course, I did not have the Revised Statutes before me at the time, and had no reference to my memoranda, which were in the committee room, and I could not comply at the time. I now have the sections of the Revised Statutes to which I referred, exactly as I stated them to be, and I ask leave to insert those in the RECORD.

The SPEAKER. Without objection, the insertion will be made. The sections referred to are as follows:

SEC. 5332, R. S. Every person guilty of treason shall suffer death, or, at the direction of the court, shall be imprisoned at hard labor for not less than five years and fined not less than \$10,000, to be levied on and collected out of any or all of his property, real and personal, of which he was the owner at the time of committing such treason, any sale or conveyance to the contrary notwithstanding, and every person so convicted of treason shall, moreover, be incapable of holding any office under the United States.

SEC. 5354, R. S. When the death of any person is caused by the explosion of any quantity of such articles, or either of them, while the same is being placed upon any vessel or vehicle to be transported in violation of the preceding section, or while the same is being so transported, or while the same is being removed from such vessel or vehicle, every person who knowingly placed, or aided, or permitted the placing of such articles upon such vessel or vehicle to be so transported, is guilty of manslaughter, and shall suffer imprisonment for a period of not less than two years.

PROTECTION OF THE PRESIDENT.

Mr. LANHAM. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Texas demands the regular order. The regular order is the vote pending at adjournment on Saturday, upon which the yeas and nays were ordered. The question is on the motion of the gentleman from Missouri to recommit with instructions the bill with respect to the protection of the President.

The question was taken; and there were—yeas 71, nays 125, answered "present" 21, not voting 134; as follows:

YEAS—71.

Adamson,	Finley,	Livingston,	Shafroth,
Bankhead,	Fitzgerald,	Lloyd,	Shallenberger,
Bartlett,	Fox,	McClellan,	Sims,
Bell,	Griffith,	McCulloch,	Small,
Bellamy,	Henry, Miss.	McLain,	Smith, Ky.
Bowie,	Hooker,	Maddox,	Snodgrass,
Breazeale,	Howard,	Mickey,	Snook,
Brundidge,	Jackson, Kans.	Neville,	Spight,
Burgess,	Jett,	Newlands,	Stark,
Burleson,	Johnson,	Norton,	Stephens, Tex.
Burnett,	Jones, Va.	Patterson, Tenn.	Swanson,
Caldwell,	Kehoe,	Randell, Tex.	Taylor, Ala.
Candler,	Kitchin, Claude	Reid,	Thomas, N. C.
Conry,	Kitchin, Wm. W.	Richardson, Ala.	Thompson,
Cooper, Tex.	Kleberg,	Robinson, Ind.	Underwood,
Creamer,	Lanham,	Rucker,	Vandiver,
De Armond,	Lewis, Ga.	Scarborough,	Zenor.
Dinsmore,	Little,	Shackleford,	

NAYS—125.

Adams,	Foerderer,	Lovering,	Shattuc,
Alexander,	Fordney,	McCleary,	Smith, Ill.
Ball, Del.	Foss,	McLachlan,	Smith, Iowa
Bartholdt,	Gardner, Mich.	Mahon,	Smith, H. C.
Bates,	Gibson,	Mann,	Smith, S. W.
Bishop,	Gill,	Martin,	Smith, Wm. Alden,
Brick,	Gillet, N. Y.	Mercer,	Southard,
Brown,	Graff,	Minor,	Sperry,
Burk, Pa.	Greene, Mass.	Moody, N. C.	Steele,
Burkett,	Grosvenor,	Moody, Oreg.	Stevens, Minn.
Burleigh,	Grow,	Moon,	Stewart, N. Y.
Butler, Pa.	Hamilton,	Morris,	Storm,
Cannon,	Haskins,	Moss,	Sutherland,
Capron,	Hemenway,	Mudd,	Tawney,
Cassol,	Henry, Conn.	Needham,	Taylor, Ohio
Coombs,	Hildebrandt,	Nevin,	Thayer,
Corliss,	Hill,	Olmsted,	Thomas, Iowa
Cousins,	Hitt,	Overstreet,	Tirrell,
Cromer,	Hopkins,	Padgett,	Tompkins, Ohio
Crumpacker,	Howell,	Palmer,	Van Voorhis,
Currier,	Hughes,	Patterson, Pa.	Vreeland,
Curtis,	Jones, Wash.	Payne,	Wachter,
Cushman,	Joy,	Pearre,	Wanger,
Darragh,	Kahn,	Perkins,	Warner,
Davidson,	Ketcham,	Prince,	Warnock,
Draper,	Knapp,	Pugsley,	Watson,
Driscoll,	Lacey,	Ray, N. Y.	Williams, Ill.
Eddy,	Lawrence,	Reeder,	Williams, Miss.
Emerson,	Lewis, Pa.	Reeves,	Woods.
Esch,	Littlefield,	Rumple,	
Evans,	Long,	Russell,	
Fletcher,	Loudenslager,	Scott,	

ANSWERED "PRESENT"—21.

Ball, Tex.	Davis, Fla.	Irwin,	Richardson, Tenn.
Barney,	Foster, Vt.	Loud,	Slayden,
Beidler,	Gardner, N. J.	McCall,	Trimble.
Bromwell,	Griggs,	Metcall,	
Brownlow,	Hay,	Morrell,	
Clark,	Holliday,	Rhea, Va.	

NOT VOTING—124.

Acheson,	De Graffenreid,	Kern,	Robb,
Allen, Ky.	Deemer,	Kluttz,	Roberts,
Allen, Me.	Dick,	Knox,	Robertson, La.
Aplin,	Dougherty,	Kyle,	Robinson, Nebr.
Babcock,	Douglas,	Lamb,	Ruppert,
Belmont,	Dovener,	Landis,	Ryan,
Benton,	Edwards,	Lassiter,	Schirm,
Bingham,	Elliott,	Latimer,	Selby,
Blackburn,	Feely,	Lessler,	Shelden,
Blakeney,	Fleming,	Lester,	Sheppard,
Boreing,	Flood,	Lever,	Sherman,
Boutell,	Foster, Ill.	Lindsay,	Showalter,
Bowersock,	Fowler,	Littauer,	Sibley,
Brantley,	Gaines, Tenn.	McAndrews,	Skiles,
Bristow,	Gaines, W. Va.	McDermott,	Southwick,
Broussard,	Gilbert,	McRae,	Sparkman,
Bull,	Gillett, Mass.	Mahoney,	Stewart, N. J.
Burke, S. Dak.	Glenn,	Maynard,	Sulzer,
Burton,	Goldfogle,	Meyer, La.	Talbert,
Butler, Mo.	Gooch,	Miers, Ind.	Tate,
Calderhead,	Gordon,	Miller,	Tompkins, N. Y.
Cassingham,	Graham,	Mondell,	Tongue,
Clayton,	Green, Pa.	Morgan,	Wadsworth,
Cochran,	Hall,	Mutchler,	Weeks,
Connell,	Hanbury,	Naphe,	Wheeler,
Conner,	Haugen,	Otjen,	White,
Cooney,	Heatwole,	Parker,	Wiley,
Cooper, Wis.	Hedge,	Pierce,	Wilson,
Cowherd,	Henry, Tex.	Pou,	Wooten,
Crowley,	Heppburn,	Powers, Me.	Wright,
Dahle,	Hull,	Powers, Mass.	Young,
Dalzell,	Jack,	Ransdell, La.	
Davey, La.	Jackson, Md.	Rixey,	
Dayton,	Jenkins,		

So the motion to recommit with instructions was rejected.

The Clerk announced the following pairs:

For the session:

Mr. BOREING with Mr. TRIMBLE.
 Mr. BROMWELL with Mr. CASSINGHAM.
 Mr. YOUNG with Mr. BENTON.
 Mr. DEEMER with Mr. MUTCHLER.
 Mr. SHERMAN with Mr. RUPPERT.
 Mr. BULL with Mr. CROWLEY.
 Mr. MORRELL with Mr. GREEN of Pennsylvania.
 Mr. HEATWOLE with Mr. TATE.
 Mr. WRIGHT with Mr. HALL.
 Mr. METCALF with Mr. WHEELER.
 Until further notice:
 Mr. IRWIN with Mr. GOOCH.
 Mr. HOLLIDAY with Mr. MIERS of Indiana.
 Mr. POWERS of Massachusetts with Mr. GAINES of Tennessee.
 Mr. MCALL with Mr. ROBERTSON of Louisiana.
 Mr. SKILES with Mr. TALBERT.
 Mr. GILLETT of Massachusetts with Mr. NAPHEN.
 Mr. DAYTON with Mr. DAVEY of Louisiana.
 Mr. SHOWALTER with Mr. SLAYDEN.
 Mr. ALLEN of Maine with Mr. DAVIS of Florida.
 Mr. CONNELL with Mr. FOSTER of Illinois.
 Mr. HANBURY with Mr. LEVER.
 Mr. BURKE of South Dakota with Mr. BUTLER of Missouri.
 Mr. BOWERSOCK with Mr. LINDSAY.
 Mr. CALDERHEAD with Mr. ROBB.
 Mr. BARNEY with Mr. MCRAE.
 Mr. HEPBURN with Mr. COCHRAN.
 Mr. DAVIDSON with Mr. SPARKMAN.
 Mr. HEMENWAY with Mr. ZENOR.
 Mr. LANDIS with Mr. CLARK.
 Mr. BOUTELL with Mr. GRIGGS.
 Mr. BROWNLOW with Mr. PIERCE.
 Mr. DOVENER with Mr. LESTER.

Until June 12, 1902:

Mr. WEEKS with Mr. SHEPPARD.

Until June 14, 1902:

Mr. STEWART of New Jersey with Mr. KLUTTZ.

Until June 10, 1902:

Mr. FOSTER of Vermont with Mr. POU.

Mr. HULL with Mr. HAY.

On this vote:

Mr. DOUGLAS with Mr. RHEA of Virginia.

Mr. SIBLEY with Mr. COWHERD.

Mr. GARDNER of New Jersey with Mr. WHITE.

Mr. SCHIRM with Mr. SULZER.

On this bill:

Mr. SOUTHWICK with Mr. GORDON.

Mr. JENKINS with Mr. MEYER of Louisiana.

Mr. OTJEN with Mr. BELMONT.

For this day:

Mr. GRAHAM with Mr. FLOOD.

Mr. BURTON with Mr. BALL of Texas.

Mr. MARSHALL with Mr. ALLEN of Kentucky.

Mr. BEIDLER with Mr. HENRY of Texas.

Mr. ACHESON with Mr. MAYNARD.

Mr. BABCOCK with Mr. RYAN.
 Mr. JACKSON of Maryland with Mr. DOUGHERTY.
 Mr. JACK with Mr. DE GRAFFENREID.
 Mr. KYLE with Mr. BRANTLEY.
 Mr. SHELLEN with Mr. COONEY.
 Mr. TONGUE with Mr. GLENN.
 Mr. GAINES of West Virginia with Mr. GOLDFOGLE.
 Mr. HAUGEN with Mr. KERN.
 Mr. HEDGE with Mr. LAMB.
 Mr. KNOX with Mr. LASSITER.
 Mr. LESSLER with Mr. LATIMER.
 Mr. TOMPKINS of New York with Mr. McDERMOTT.
 Mr. LITTAUER with Mr. ROBINSON of Nebraska.
 Mr. MILLER with Mr. McANDREWS.
 Mr. MONDELL with Mr. MAHONEY.
 Mr. MORGAN with Mr. RANDELL of Louisiana.
 Mr. POWERS of Massachusetts with Mr. RIXEY.
 Mr. ROBERTS with Mr. SELBY.
 Mr. WADSWORTH with Mr. BROUSSARD.
 Mr. BINGHAM with Mr. WILSON.
 Mr. BLACKBURN with Mr. CLAYTON.
 Mr. BLAKENEY with Mr. WOOTEN.
 Mr. CONNER with Mr. EDWARDS.
 Mr. COOPER of Wisconsin with Mr. ELLIOTT.
 Mr. DICK with Mr. FEELY.
 Mr. SULLOWAY with Mr. FLEMING.
 Mr. FALZELL with Mr. GILBERT.
 Mr. DAWZELL with Mr. RICHARDSON of Tennessee.

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.
 Mr. LANHAM. On that question, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 179, nays 38, answered "present" 16, not voting 118; as follows:

YEAS—179.

Adams,	Fletcher,	McClellan,	Scott,
Alexander,	Foerderer,	McLachlan,	Shafroth,
Babcock,	Fordney,	Mahon,	Shallenberger,
Ball, Del.	Foss,	Mann,	Shattuc,
Bankhead,	Foster, Vt.	Martin,	Sibley,
Bartholdt,	Fowler,	Mercer,	Sims,
Bates,	Gardner, Mich.	Mickey,	Small,
Beidler,	Gardner, N. J.	Miller,	Smith, Ill.
Bell,	Gibson,	Minor,	Smith, Iowa
Bishop,	Gill,	Mondell,	Smith, Ky.
Bowie,	Gillet, N. Y.	Moody, N. C.	Smith, H. C.
Brick,	Graff,	Moody, Oreg.	Smith, S. W.
Bromwell,	Greene, Mass.	Moon,	Snodgrass,
Brown,	Griffith,	Morrell,	Snook,
Burgess,	Grosvenor,	Morris,	Southard,
Burk, Pa.	Hamilton,	Moss,	Sperry,
Burke, S. Dak.	Haskins,	Mudd,	Stark,
Burkett,	Haugen,	Needham,	Steele,
Burleigh,	Hemenway,	Nevin,	Stevens, Minn.
Burnett,	Newlands,	Norton,	Stewart, N. Y.
Butler, Pa.	Henry, Conn.	Olmsted,	Storm,
Caldwell,	Hildebrandt,	Otjen,	Sutherland,
Cannon,	Hill,	Overstreet,	Swanson,
Capron,	Hitt,	Padgett,	Tawney,
Cassel,	Hopkins,	Palmer,	Taylor, Ohio
Conner,	Howell,	Patterson, Pa.	Taylor, Ala.
Conry,	Hughes,	Payne,	Thayer,
Coombs,	Jackson, Kans.	Pearre,	Thomas, Iowa
Cousins,	Jett,	Perkins,	Thomas, N. C.
Cowherd,	Jones, Wash.	Pou,	Thompson,
Cromer,	Joy,	Prince,	Tirrell,
Crumpacker,	Kahn,	Pugsley,	Tompkins, Ohio
Currier,	Kehoe,	Ray, N. Y.	Van Voorhis,
Curtis,	Ketcham,	Reeder,	Vreeland,
Cushman,	Knapp,	Reeves,	Wachter,
Dahle,	Lacey,	Rhea, Va.	Wanger,
Darragh,	Lawrence,	Richardson, Ala.	Warner,
Draper,	Lewis, Pa.	Roberts,	Warnock,
Driscoll,	Littauer,	Robinson, Ind.	Watson,
Eddy,	Littlefield,	Rucker,	Wiley,
Edwards,	Livingston,	Rumple,	Williams, Ill.
Emerson,	Lloyd,	Russell,	Williams, Miss.
Esch,	Long,	Ryan,	Woods,
Evans,	Loving,	Schirm,	Zenor.
Fitzgerald,	McCleary,		

NAYS—38.

Adamson,	Finley,	Kleberg,	Patterson, Tenn.
Bartlett,	Fox,	Lanham,	Randell, Tex.
Brantley,	Glenn,	Lester,	Reid,
Brundidge,	Henry, Miss.	Lewis, Ga.	Scarborough,
Burleson,	Hooker,	Little,	Shackleford,
Candler,	Howard,	Loud,	Spight,
Cooper, Tex.	Johnson,	McCulloch,	Stephens, Tex.
Creamer,	Jones, Va.	McLain,	Underwood.
De Armond,	Kitchin, Claude	Maddox,	
Dinsmore,	Kitchin, Wm. W.	Neville,	

ANSWERED "PRESENT"—16.

Ball, Tex.	Clark,	Hay,	Metcalf,
Barney,	Cochran,	Holliday,	Richardson, Tenn.
Bellamy,	Davis, Fla.	Irwin,	Trimble,
Brownlow,	Griggs,	McCall,	Vandiver.

NOT VOTING—118.

Acheson,	De Graffenreid,	Kern,	Robertson, La.
Allen, Ky.	Deemer,	Kluttz,	Robinson, Nebr.
Allen, Mo.	Dick,	Knox,	Ruppert.
Aplin,	Dougherty,	Kyie,	Selby,
Belmont,	Douglas,	Lamb,	Shelden,
Benton,	Dovener,	Landis,	Sheppard,
Bingham,	Elliott,	Lassiter,	Sherman,
Blackburn,	Feely,	Latimer,	Showalter,
Blakeney,	Fleming,	Lessler,	Skiles,
Boring,	Flood,	Lever,	Slayden,
Boutell,	Foster, Ill.	Lindsay,	Smith, Wm. Alden
Bowersock,	Gaines, Tenn.	Loudenslager,	Southwick,
Breazeale,	Gaines, W. Va.	McAndrews,	Sparkman,
Bristow,	Gilbert,	McDermott,	Stewart, N. J.
Broussard,	Gillett, Mass.	McRae,	Sulloway,
Bull,	Goldfogle,	Mahoney,	Sulzer,
Burton,	Gooch,	Marshall,	Talbert,
Butler, Mo.	Gordon,	Maynard,	Tate,
Calderhead,	Graham,	Meyer, La.	Tompkins, N. Y.
Cassingham,	Green, Pa.	Miers, Ind.	Tongue,
Clayton,	Hall,	Morgan,	Wadsworth,
Connell,	Hanbury,	Mutchler,	Weeks,
Cooney,	Heatwole,	Naphen,	Wheeler,
Cooper, Wis.	Hedge,	Parker,	White,
Corliss,	Henry, Tex.	Pierce,	Wilson,
Crowley,	Hepburn,	Powers, Me.	Wooten,
Dalzell,	Hull,	Powers, Mass.	Wright,
Davey, La.	Jack,	Ransdell, La.	Young.
Davidson,	Jackson, Md.	Rixey,	
Dayton,	Jenkins,	Robb,	

So the bill was passed.

Mr. GLENN. Mr. Speaker, I desire to know if my vote is recorded?

The SPEAKER. The gentleman has not voted. Was he present and listening when his name was called?

Mr. GLENN. I was listening to my name and did not hear it.

The SPEAKER. Was the gentleman listening?

Mr. GLENN. Yes, sir; I was on the second roll call. I was not present on the first roll call.

The name of Mr. GLENN was called, and he voted "no."

Mr. MONDELL. Mr. Speaker, am I recorded?

The SPEAKER. The gentleman is not recorded.

Mr. MONDELL. I was present and listening and did not hear my name called.

The SPEAKER. Was the gentleman listening when his name was called?

Mr. MONDELL. I was.

The SPEAKER. And did not hear it?

Mr. MONDELL. I did not hear it.

The name of Mr. MONDELL was called, and he voted "aye."

The following additional pairs were announced:

On this vote:

Mr. GREEN of Pennsylvania with Mr. VANDIVER.

Mr. CORLISS with Mr. BREAZEALE.

For balance of day:

Mr. APLIN with Mr. SULZER.

The result of the vote was then announced as above recorded.

Mr. RAY of New York. Mr. Speaker, I move to amend the title in accordance with the recommendation of the committee.

The SPEAKER. Without objection, the amendment of the title will be agreed to.

There was no objection, and it was so ordered.

On motion of Mr. RAY of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN CITIZENS DETAINED IN SOUTH AFRICA.

Mr. HITT. Mr. Speaker, I submit a privileged report.

The SPEAKER. The gentleman from Illinois submits a privileged report, which the Clerk will read.

The Clerk read as follows:

House resolution No. 286.

Whereas it being now reported in the public press that terms of peace have been signed and accepted by Great Britain and the late South African Republics, and that war between these peoples has ceased: Therefore, be it

Resolved, That the Secretary of State be, and he is hereby, requested, if not incompatible with the public interests, to furnish the House of Representatives with a complete list showing the names of all American citizens (and their residence) who are now detained by the British authorities as prisoners of war, together with information as to what investigation, if any, has been made by the State Department concerning the cause of their detention, and what action has been taken to secure their release.

The report (by Mr. HITT) was read, as follows:

The Committee on Foreign Affairs, to whom was referred House resolution 286, requesting the Secretary of State to furnish to the House a complete list of American citizens now detained by the British authorities as prisoners of war, having duly considered the same, report it back with the recommendation that it be passed.

The SPEAKER. The question is on agreeing to the resolution. The question was taken, and the resolution was agreed to.

HENRY I. SMITH.

Mr. RUMPLE. Mr. Speaker, I desire to submit a conference report and statement, to be printed.

The SPEAKER. The report and statement will be printed in the RECORD.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8794) granting an increase of pension to Henry I. Smith, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate insert "forty."

J. N. W. RUMPLE,

ELIAS DEEMER,

Managers on the part of the House.

A. G. FOSTER,

J. N. BURTON,

E. W. CARMACK,

Managers on the part of the Senate.

The statement of the House conferees is as follows:

The bill (H. R. 8794) granting an increase of pension to Henry I. Smith passed the House at \$60. The Senate amended by striking out \$60 and inserting \$30.

The result of the conference is that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by the Senate insert "forty."

J. N. W. RUMPLE,

ELIAS DEEMER,

Managers on the part of the House.

PERSONAL STATEMENT.

Mr. MORRELL. Mr. Speaker, I ask unanimous consent to be allowed two minutes to make a personal statement.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that he be accorded two minutes to make a personal statement. Is there objection?

Mr. RICHARDSON of Tennessee. May I ask the gentleman what is the subject of his personal explanation?

Mr. MORRELL. In reference to some remarks I made on Saturday in relation to the bill just passed.

The SPEAKER. The Chair hears no objection.

Mr. MORRELL. Mr. Speaker, I have learned that the remarks which I made in a joking manner on Saturday, while section 13 of the bill was being discussed, have been considered by some to be a reflection upon the Judiciary Committee. I beg to state that nothing was further from my intention. I have the highest respect for the chairman and members of that committee, and also for their ability and learning; and what I intended was simply to allude to the manner in which all amendments, both those that were offered on the other side and those offered on this side of the House, had been through their skill bowled over, my own two little pets among the number. If they consider what I said in any way discourteous, I offer them at this present time a full and ample apology.

LEVI HATCHETT.

Mr. GIBSON. Mr. Speaker, I call up the conference report on the bill S. 2975. It has heretofore been printed in the RECORD, and I ask to have the report agreed to. I ask to dispense with the reading of the report and to read the statement.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to dispense with the reading of the report, and that the statement be read. Is there objection? [After a pause.] The Chair hears none.

The statement was read, as follows:

The Senate bill S. 2975 increased the pension of Levi Hatchett to \$24. The House amended the Senate bill by striking out "\$24" and inserting "\$17." The result of the conference agreement is that the House recedes, and this leaves the bill as it passed the Senate.

HENRY R. GIBSON,

RUD. KLEBERG,

Conferees on the part of the House.

Mr. GIBSON. I move the adoption of the report.

The report of the committee of conference was agreed to.

HELEN A. B. DU BARRY.

Mr. GIBSON. Mr. Speaker, I call up the conference report on Senate bill 1037, granting an increase of pension to Helen A. B. Du Barry. I ask that the reading of the report be omitted and that the statement be read.

The SPEAKER. Has it been printed in the RECORD?

Mr. GIBSON. It has, on page 6776 of the RECORD.

The SPEAKER. The gentleman from Tennessee presents a conference report, and asks that the reading of the report be omitted and the statement only be read. Is there objection?

There was no objection.

The Clerk read the statement, as follows:

The bill (S. 1037) granting an increase of pension to Helen A. B. Du Barry passed the Senate at \$50. The House amended the same by striking out "\$50" and inserting "\$40."

The result of the conference is that the House recedes from its amendment, leaving the bill as it passed the Senate.

C. A. SULLOWAY,

HENRY R. GIBSON,

Managers on the part of the House.

The conference report was agreed to.

GEORGE W. BARRY.

Mr. GIBSON. Mr. Speaker, I send up a conference report on the bill (H. R. 9544) granting an increase of pension to George W. Barry for the purpose of printing it in the RECORD.

The SPEAKER. The gentleman from Tennessee presents conference report on House bill 9544, to be printed in the RECORD under the rule.

[For conference report see Senate proceedings of June 6, 1902.]

The statement is as follows:

The bill (H. R. 9644) granting an increase of pension to George W. Barry passed the House at \$20. The Senate amended the same by striking out "\$20" and inserting "\$16."

The result of the conference is that the House recedes from its disagreement to the amendment of the Senate and agrees to the same, leaving the bill as it passed the Senate.

C. A. SULLOWAY,
HENRY R. GIBSON,
RUDOLPH KLEBERG,

Managers on the part of the House.

TRANSFER OF FOREST RESERVES.

Mr. LACEY. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is House bill 11536, in relation to forest reserves.

Mr. LACEY. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of the House bill (H. R. 11536) to transfer certain forest reserves to the control of the Department of Agriculture, to authorize game and fish protection in forest reserves, and for other purposes.

Mr. Speaker, the order is not properly printed on the face of the Calendar. That was amended in the House by unanimous consent.

The SPEAKER. In what respect?

Mr. LACEY. For the House to resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill instead of being considered in the House as in Committee of the Whole. It was done at the request of the gentleman from Illinois [Mr. CANNON].

The SPEAKER. That is in accordance with the recollection of the Chair. The question is on the motion of the gentleman from Iowa, that the House resolve itself into Committee of the Whole House on the state of the Union as by the order of the House some days ago.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, Mr. OLMSTED in the chair.

Mr. LACEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. Mr. Chairman, without making any preliminary arrangement in regard to time for general debate, I think probably the best way to treat this bill would be to have a general debate not very long extended, but a full allowance of time under the five-minute rule, so that the bill can be more carefully considered in its details and not so much time spent in general debate. I make these suggestions, but I would like to hear from any gentleman inclined to oppose the bill.

Mr. SHAFROTH. Does not the gentleman think that the best way would be for the gentleman to open the case on his side, and then have one on the other side, and then begin to read the bill? Or, if it is to be understood that we are not to be cut off under the five-minute rule, but shall have ten or fifteen minutes, I am willing to take up the bill now.

Mr. LACEY. Of course, an agreement of this kind would not be binding in each and every instance, but where the House has entered into an arrangement of this kind to perfect a bill in detail like this it has worked satisfactorily, and I have no doubt it can be done in the present instance.

Mr. Chairman, I will endeavor to explain the merits of the bill. This bill was introduced to carry out the purposes set out in the President's annual message to Congress last December, and I will ask in a preliminary way that the Clerk will read that portion of the President's message.

The Clerk read as follows:

Certain of the forest reserves should also be made preserves for the wild forest creatures. All of the reserves should be better protected from fires. Many of them need special protection because of the great injury done by live stock, above all by sheep. The increase in deer, elk, and other animals in the Yellowstone Park shows what may be expected when other mountain forests are properly protected by law and properly guarded. Some of these areas have been so denuded of surface vegetation by overgrazing that the ground-breeding birds, including grouse and quail, and many mammals, including deer, have been exterminated or driven away. At the same time the water-storing capacity of the surface has been decreased or destroyed, thus promoting floods in time of rain and diminishing the flow of streams between rains.

In cases where natural conditions have been restored for a few years, vegetation has again carpeted the ground, birds and deer are coming back,

and hundreds of persons, especially from the immediate neighborhood, come each summer to enjoy the privilege of camping. Some at least of the forest reserves should afford perpetual protection to the native fauna and flora, safe havens of refuge to our rapidly diminishing wild animals of the larger kinds, and free camping grounds for the ever increasing numbers of men and women who have learned to find rest, health, and recreation in the splendid forests and flower-clad meadows of our mountains. The forest reserves should be set apart forever for the use and benefit of our people as a whole and not sacrificed to the shortsighted greed of a few.

The forests are natural reservoirs. By restraining the streams in flood and replenishing them in drought they make possible the use of waters otherwise wasted. They prevent the soil from washing, and so protect the storage reservoirs from filling up with silt. Forest conservation is therefore an essential condition of water conservation.

At present the protection of the forest reserves rests with the General Land Office, the mapping and description of their timber with the United States Geological Survey, and the preparation of plans for their conservative use with the Bureau of Forestry, which is also charged with the general advancement of practical forestry in the United States. These various functions should be united in the Bureau of Forestry, to which they properly belong. The present diffusion of responsibility is bad from every standpoint. It prevents that effective cooperation between the Government and the men who utilize the resources of the reserves, without which the interests of both must suffer. The scientific bureaus generally should be put under the Department of Agriculture. The President should have by law the power of transferring lands for use as forest reserves to the Department of Agriculture. He already has such power in the case of lands needed by the Departments of War and the Navy.

Mr. LACEY. Now, the question of a system of forest reserves in this country is of comparatively recent origin, and interest in it has become general. There are two propositions involved in this bill. The first is that the reserves which have heretofore been created and which may hereafter be set apart shall be transferred from time to time for administration to the Department of Agriculture. The bill however provides that this shall not be done until the permanent boundaries of each of these reservations shall be established, which permanent delimitation of the boundaries shall precede the transfer of each reserve. In the end the result will be that all of the forest reserves will be transferred to the Department of Agriculture for administration. We have now a Bureau of Forestry in the Department of Agriculture. That Bureau has in its employ practically all the scientific foresters in the United States. We have a Division of Forestry in the Land Office, but the Land Office, of course, has not been specially fitted for this scientific work. The great purpose of the Land Office has been to survey and dispose of the public lands, not to take care and preserve them, but to dispose of them to private individuals. So that by the very nature of the organization of the two departments, the permanent administration and permanent care of the forests would more properly be lodged in the Department of Agriculture.

In other words, forestry is tree cultivation upon a large scale and covering long periods of time, for which the life of an individual would be inadequate. France and Germany have been compelled by force of necessity to adopt a forestry system. Spain, too, suffering from drought and the destruction of her water courses, has adopted such a system. The State of New York has been compelled to buy the Adirondacks, spending \$4,000,000 in order to save the headwaters of the Hudson. These forests upon the tops of the mountains in the Far West serve to protect the snow and fountain heads of the streams and to make irrigation practical and practicable. We have upon the Calendar, and will no doubt within a few days consider, a bill with reference to the irrigation of arid lands in the West. Now, it makes no difference whether the future irrigation shall be controlled by private parties or by the States or by the United States—whichever course is taken it is essential that the sources of the streams should be preserved.

The Department of Agriculture has a scientific bureau that has been organized, not for the purpose of preventing the use of the trees on our public lands, but to provide for their use so that they may be cut down from time to time as they may be needed by settlers; and at the same time proper measures will be used to prevent fires and to maintain and restore these forests, as in Germany they are maintaining and preserving these forests, while at the same time they are realizing from year to year the benefits of marketing the ripened or matured trees.

In France they have found that by the destruction of the forests the heavy rains have resulted in washing down the soil on the sides of the mountains and destroying the valleys beneath, and at an expense of millions of francs the French Government is restoring the forests on the mountain slopes. The people of the United States have awakened up to the necessity of preserving at least a portion of our woods, to the end that the balance of our land may be successfully tilled.

Mr. STEPHENS of Texas. Does this bill extend the law as it now exists with reference to these forest reserves? Does it make any change?

Mr. LACEY. There is no change whatever, except that from time to time, as the boundaries of these reserves shall have been finally settled, the reserves may, in the discretion of the President, be transferred from the management of the Department of the Interior to the Department of Agriculture.

There is a reason for not doing this all at once. The President manifested his desire for an immediate transfer. This would not be practicable for this reason: The boundaries of some of these reserves were very imprudently established. Territory is included in some of them that ought not to be included. Under the law in pursuance of which they were created there was authority to add from time to time additional area for these reservations, but no provision was made by which any of the reserves could be afterwards excluded from these boundaries without a special act of Congress.

Mr. SMITH of Arizona. Does this bill provide any means of decreasing or lessening the reserves?

Mr. LACEY. I will explain that in a moment.

That being the case, there was much dissatisfaction over the sudden establishment of very large areas of reserves, and an amendment was put into an appropriation bill by which power was given to the President to issue at any time an Executive order excluding portions of these reserves and providing also for a method of surveying by which the Geological Survey could establish the permanent boundaries and thus separate from the various reservations, without further Congressional action, such portions as were found to be imprudently or unnecessarily included in the original boundaries of the reserves as established.

Mr. STEPHENS of Texas. Does the bill make any change with reference to the leasing of these lands for grazing purposes to cattlemen or sheepmen?

Mr. LACEY. It does not attempt to deal with that question.

Mr. STEPHENS of Texas. Will that be permitted under the law if this bill be passed?

Mr. LACEY. The law is not changed in that respect. The facilities for the grazing of sheep, cattle, and other domestic animals within the various reserves are not interfered with. The permits, however, for that purpose are limited, of course, to the capacity of the reserves. The endeavor is made not to overstock them—not to put in so many cattle that they must feed upon the herbage of the young trees, and thus destroy instead of increasing the forests. That is the requirement of the existing law, and this bill does not attempt to deal with that question in any way.

Mr. STEPHENS of Texas. The object of the present law and of this bill, as I understand, is to preserve the forests.

Mr. LACEY. That purpose is the same in both measures.

Mr. STEPHENS of Texas. The gentleman is no doubt aware of the fact that many of these forest reserves embrace lands where, over a great many square miles, there is not a stick of timber.

Mr. LACEY. I have stated that in a great many instances lands have been imprudently included in these reserves. I think, however, that if a bill should be passed at once transferring all the reserves, without having the boundaries surveyed, there might be trouble in afterwards making the necessary corrections.

Mr. STEPHENS of Texas. I appreciate that fact.

Mr. LACEY. That ought to be done prior to the permanent transfer of any reserves to the Agricultural Department. Power is to be conferred upon the President to exclude from the operation of this bill the lands which may be more useful for other purposes. For instance, there may be mineral discoveries in a reserve not now known to contain any such deposits. Towns may speedily grow up in the vicinity, rendering it necessary, or at least very proper, that additional territory should be excluded. That power in the Executive, as it now exists, is not in any way affected by the provisions of this bill.

Mr. STEPHENS of Texas. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. LACEY. Yes.

Mr. STEPHENS of Texas. Is it not a fact that the miners can now go upon these timber lands anywhere and locate their claims?

Mr. LACEY. They can.

Mr. STEPHENS of Texas. And they are permitted to use the timber on them?

Mr. LACEY. The effort has been made to meet the sentiment of the communities where the reserves are located, not to use them to the detriment of the community, but to make them subservient to the necessities, the uses, and the growth of the communities in which they are located.

It is the purpose of the Government, as evidenced by its former action, to select these reserves from land that is not suitable for farming. Mr. Chairman, the proposition is to permit the setting apart of game and fish preserves in such portions of these various forest reserves as may be found suitable for that purpose, with the proviso, however, that where any such reserve is in a State it can not be set apart for this purpose until the executive of the State shall have first consented to that order, thus securing the united action of the State and of the National Government in creating such reserve.

Mr. ROBINSON of Indiana. Mr. Chairman, will the gentleman yield to a question?

The CHAIRMAN. Does the gentleman yield?

Mr. LACEY. Yes.

Mr. ROBINSON of Indiana. The gentleman says that the provisions in this bill which provide that the consent of the governor shall be obtained before certain very important steps are taken, secures the cooperation of the United States with the State government; and I want to ask him if he regards that as a sufficient safeguarding of the rights of the people, when the governor himself is authorized to give this consent, or to petition for the benefits offered?

Mr. LACEY. Mr. Chairman, I think where you first require that the President of the United States shall act, and, second, that he shall only act with the consent of the executive of the State, that that will be an ample safeguard, because no governor representing the people of his State will ask or consent to the establishment of such a preserve in a locality where it is undesirable, or in a community that is hostile to such reservation; and in this way we will have the concerted action of both executives, and thus not force upon any unwilling State the benefits of such reserves. In short, I think instead of creating reserves, and having friction afterwards, these reserves will be asked for in reasonable limit in the various States in which forest reserves are situated.

Take a State like Colorado, with several forest reserves, and suppose the governor of Colorado shall ask the Executive of the United States to set apart one-half of one of those reserves or all of some one of them for a game preserve in order that the elk and the antelope and the fish, the various species of the forest and of the stream, may be preserved? Now, the fish and game will overflow from these places of refuge into the outside country, and the people of the State will thus have the opportunity of hunting and fishing outside of the reservation, because by proper methods they are protected on the reservation, so that such a game preserve, while apparently interfering with the hunting of a State, will in fact increase it, because it will give in certain localities in which the birds and game live an opportunity to breed, and for that reason I have no doubt that the request will be made from every State in which there are forest reserves to have at least a portion of some one of these reservations thus set apart. This provision was not put in as to Territories. The governor of a Territory is appointed by the President of the United States and owes his office to him.

Mr. ROBINSON of Indiana. But, Mr. Chairman—

Mr. LACEY. And the provision was applied to the States alone for that reason.

Mr. ROBINSON of Indiana. The gentleman does not meet the proposition. The bill in its provisions provides a changing of the system of the administration of public justice, authorizing a punishment for the violation of regulations of an officer of the United States Government.

Mr. LACEY. Yes.

Mr. ROBINSON of Indiana. Changing in that respect the making of and providing for the prosecution of crime within the boundaries of a State.

Mr. LACEY. Creating a Federal crime, in short, where there is only a State offense now.

Mr. ROBINSON of Indiana. Now, while the opinion of the gentleman with reference to the solicitude of the governors for these things may be germane, it is more important that the people of those States shall be consulted, and that their legislative voice shall be heard; otherwise it gives to him an arbitrary power, and he is irresponsible to the people, already elected as he is, and therefore—

Mr. LACEY. The legislature would be equally irresponsible to the people after they get their office. If you say that a man after election ceases to be responsible to the people who elected him, I think you would find the governor would be just as desirous of trying to carry out the wishes of the people as any legislature would be.

Mr. ROBINSON of Indiana. But the governor may act on the instant, whereas the legislative branch of the Government can not act until the measure comes before them in some orderly way or other, so that the people may understand what is going on and hold responsible a dereliction of duty. So it is not the opinion of the people of the State of Indiana that is expressed by their governor, he is elected for four years and is not thereafter eligible. I think it is a most dangerous power to change a branch of the criminal system of a State, simply because it is asked for by the governor of the State.

Mr. LACEY. I think the gentleman from Indiana does not gather the full scope and effect of this provision. The opinion of the Attorney-General is set out in the report, and to that I ask his attention.

Mr. ROBINSON of Indiana. Yes; but I have read the sections of the bill.

Mr. LACEY. I invite the gentleman's attention to the powers of Congress. Congress has the power, without asking the consent

of anybody, to create a game preserve upon the public lands, whether they are inside a forest reserve or not; but, in my judgment, this ought not to be done without the consent of the community. There should always be full respect given to the wishes of committees, and only such arrangements of this kind made as will meet the views of the various people living in the States where the law is to be enforced.

Mr. ROBINSON of Indiana. If the gentleman will pardon me, section 9 is the section admitting the authority of the State, which the gentleman seeks to curb:

SEC. 9. That if any offense under State or Territorial laws shall be committed within the limits of any forest reserve or fish and game preserve, other than the offenses prescribed in departmental regulations or laws of the United States, the jurisdiction of the State or Territorial courts over the same shall be in no wise impaired by this act.

Mr. KLEBERG. Mr. Chairman, I should like to interrupt my friend.

Mr. LACEY. I yield to the gentleman from Texas.

Mr. KLEBERG. I ask the gentleman if it is not a fact that the Government of the United States has the exclusive jurisdiction over all property of arsenals, forts, public buildings, and whether it should not have exclusive jurisdiction, if necessary, in forest reservations, which are exclusively the property of the United States? I wish to suggest that there is no innovation upon any law or any practice.

Mr. LACEY. No; the Constitution expressly reserves to the Government of the United States control over the territory and property of the United States; and the word "territory" was put into the Constitution at a time when there was no such thing as "a Territory." Therefore the word "territory" as there used means the lands of the United States; and the Attorney-General, in a very able opinion, which has been set out in this report and which I will print, and which opinion was the basis upon which these features of the bill were drafted, holds that Congress has that power.

Now, in my judgment, we should not exercise that power unless there is such a demand for and such a consent to its exercise as will justify and require the governor, representing the people of the whole State, to say he thinks it ought to be done. And in that way, instead of administering this feature of the bill in opposition to local sentiment, we would go hand in hand with the local desires and aid the State authorities in carrying out a purpose which is highly beneficial to all the inhabitants of the State.

And now as to the amenability of the governor of a State to public sentiment, as compared with the legislature, I think he is much more amenable for this reason: He must take the responsibility alone. The larger the body the more divided the responsibility, and the governor will in no instance ask that this be done unless there is an actual demand for it. He will in no instance consent that it be done if there is serious hostility in the community to having it done. I believe the two governments, State and National, will thus go hand in hand and perform a duty which will be of great benefit to the entire people in each State in which these reserves are created.

Mr. ROBINSON of Indiana. I notice section 5 makes this provision:

SEC. 5. That if any person commits or attempts to commit, in the presence of any forest officer, special agent, ranger, or custodian of any forest reserve, any act in violation of any Federal law or departmental regulation concerning forest reserves or game or fish protection thereon, such officer may, without process in hand, arrest such person at the time of such commission or attempt or in hot pursuit thereafter, and the person so arrested shall be taken before the most convenient United States court or commissioner within the district for trial or commitment.

Limiting it to the jurisdiction of the United States in this matter. Is that the purpose of the gentleman?

Mr. LACEY. As to departmental regulations and as to Federal laws, certainly; as to State laws, certainly not. A departmental regulation is made to prevent the setting out of fire, and we send men there to keep the fire from being set out.

Mr. ROBINSON of Indiana. What protection do you give in a State by State authority?

Mr. LACEY. There is the custodian to see that the fire is not set out, and he would arrest anybody actually found violating the Federal law.

Mr. ROBINSON of Indiana. And if you arrest him anywhere you carry him before a United States court?

Mr. LACEY. There is no other place to take him.

Mr. ROBINSON of Indiana. Would it not be well to reserve the right to try him in a State court?

Mr. LACEY. Yes; in pursuance of State laws. In some of the States we have a close season for certain animals and birds for five years. Now, under the State law, no difference where one of these animals is killed, it is a violation of the State law whether they are killed upon the public lands, forest reserves, or upon private lands, and the State law would be enforced as against that crime. Again, in a similar way as to States, a bird is taken upon a reservation, and in the reservation there are certain ani-

mals protected under this regulation, we will say, for five years, that are not protected by the State law. They are protected by a Government regulation, formulated by authority of law, upon the public lands of the United States; nor can these regulations be enforced in the State courts, because the State courts would have no jurisdiction.

Mr. SMITH of Arizona. If the gentleman will pardon me. Take it in the case of the Territories. That would apply on reservations, say, that were 250 miles to the nearest Federal court, and the man who is simply in hot pursuit is arrested by United States marshal, who must transport him some 200 miles for a mere misdemeanor, at an enormous expense to the Government in the prosecution. Now, it seems to me that is unnecessary in this bill. Why not give to an adjacent or some nearer court jurisdiction over this question of a mere misdemeanor or an attempt? Do you not think in this case the jurisdiction ought to be placed somewhere near?

Mr. LACEY. I think so, undoubtedly, in the Territories, because all the Territorial courts are Federal courts.

Mr. SMITH of Arizona. No; they have decided that differently.

Mr. LACEY. They are Federal courts, I think, within the meaning of this bill. When we reach this section of the bill under the five-minute rule I would be glad if my friend would suggest some amendment that would cover this question as to the Territories, so that there may be no doubt about it.

Mr. WILLIAMS of Mississippi. That the Federal and Territorial courts have jurisdiction?

Mr. SMITH of Arizona. The point I am trying to make is that but a few courts have Federal jurisdiction and that in certain named places—for instance, two places in the Territory—and the Territorial courts have jurisdiction in every county.

Mr. LACEY. I catch the gentleman's point, and when we come to section 5 of this bill I see where there may be trouble of that kind which can be very easily remedied as to the Territories. So far as the States are concerned, it would not need to be done. There would be no need of that, because the distances there are not often so great as in the Territories.

Mr. ROBINSON of Indiana. I understand under the provisions of this bill there would be offenses that would be described and punished under the Federal law?

Mr. LACEY. Undoubtedly.

Mr. ROBINSON of Indiana. And there would be a separate class of offenses described and punished under regulations by Federal officers?

Mr. LACEY. Well, the regulations have the form and effect of law.

Mr. ROBINSON of Indiana. One made by a Federal officer and another sanctioned by the legislative branch of the Government; and a third class would be the offenses punishable under the State law. What provision does the bill contain as to a conflict of jurisdiction, or as to a conviction of one being a bar to his conviction under the other?

Mr. LACEY. Let me suggest to the gentleman from Indiana that he will see the necessity of giving considerable latitude to regulations. Arizona is a warm country. The winters are short and the summers are long; and so with New Mexico. In Montana and Idaho we have the opposite conditions. Regulations which are necessary for the carrying out of this law in the one State or Territory would be quite inapplicable in another. The close seasons would be quite different. Suppose you wanted to protect the fish in Idaho, in the trout streams there. Suppose we want to prevent fishing with dynamite and prohibit various other irregular and unlawful fishing in the waters of these forest reserves. Suppose we want to make a short open season. Now, in Arizona, with their climate, in a different latitude, the regulations that would fit Idaho would be wholly unadapted to Arizona, and therefore the control of these reserves for the use of the people of the States and Territories, and for the benefit of the whole community, would have to be somewhat different in one locality from what it is in another. There must therefore be considerable latitude given for such regulations.

In some localities, for instance, certain animals do not need protection; the mountains and the forests are so situated that they can take care of themselves. In other localities they have been hunted so fiercely that the protection should be more extended.

Mr. ROBINSON of Indiana. The gentleman would clothe the Federal officer with the power of making one regulation for one State and another for another, the violation of which would subject him to a penalty?

Mr. LACEY. Within the limits of the Government property only. This is not an experiment. We have precisely that state of things in the forest reserves to-day, and without it we could not have forest reserves at all. There must be departmental regulations to protect such reserves. Without this power it would be impossible to make these forest reserves available for the use of the community.

Mr. ROBINSON of Indiana. If you punish a violator under the State authorities, can you also punish him under the regulations by the Federal authority?

Mr. LACEY. Well, we have just spent three days in the debate on the anti-anarchy bill as to the powers of the State on the one hand and the Federal Government on the other, and I must refer my friend to that discussion. I have my opinion about it; indeed, I have no doubt about it.

Mr. ROBINSON of Indiana. I might suggest to the gentleman that the statesmen sometimes do not seem to regard the right of the States, and the right to prosecute their own offenses and pass laws according to their own notions seem to be overlooked, and we are asked to go so far as to clothe United States officers with the power of making one regulation for one reserve and another for another.

Mr. LACEY. I have never been a "State's rights man," but I have nevertheless always had the highest regard for the rights of the States. In the drafting of this bill I have endeavored to so prepare its limits as to always have due regard for the wishes as well as the rights of the State, that no steps like those now proposed should be taken by the Government as to its own property under the constitutional rights reserved to it without first asking for the consent of that State through its governor. It is not necessary, but I think it prudent to ask such consent.

Now, Mr. Chairman, as to the necessity of a law of this kind. Our ancestors were all killers. Prehistoric man with his club and his stone weapons no doubt exterminated the mammoth. If these cruel forefathers of ours had owned breech-loaders the progenitors of the horse, the cow, the sheep, and the ox would have disappeared from the earth long before domestication. The boy of to-day is as bloody-minded as his naked forefather, and begins to slay the birds and beasts as soon as he can hold a stone in his chubby hands.

From the days of the troglodyte the unequal contest has raged. Stone, bronze, iron, hawking, and gunpowder were added to man's power to destroy. But now, with the breech-loader and later improved weapons, man has become omnidestructive. He goes 500 miles for a day's shooting or half way around the world for a brief hunting and fishing trip.

The immensity of man's power to slay imposes great responsibilities.

We are threatened with the probable extinction of many varieties of birds and beasts. A birdless world would be a dreary place to live in and a birdless air would be unfit to breathe.

The wild pigeon has gone to join the great auk and the dodo in the realm of obliteration.

We may well pause and consider the situation with which we are confronted.

I read the other day of a hunt in the South where two prominent gentlemen from New York killed 1,600 ducks in two days, and generously gave them away to show that they were not mere ordinary pot hunters.

These sanguinary sportsmen should have rather hired out or volunteered to stick pigs for two days for the meat packers, where they might have glutted their appetite for gore in a more creditable way. The reckless, improvident, and indiscriminate slaughter of our fish in the rivers and the seas are only illustrations of that large waste of our natural resources that is going on in all directions. The natural gas was once worshiped as something supernatural. Now it is used for the most practical of all purposes. It has been recklessly wasted as though it had been infinite in quantity, and the depleted fields show the results of our extravagance.

Oil and forests have been extravagantly exploited in the same way. Take the State of Texas, where a few months ago we were having many "gushers," supplying oil each at the rate of 70,000 barrels a day, but now, the newspapers tell us, the oil has ceased to flow. But experience shows that all these resources are limited.

Oil in Texas may long be pumped, but vast as the supply is it is exhaustible.

Since I have been in public life I have devoted some part of my time to the subject of the conservation and restoration of our natural resources. This question naturally arises in connection with our public domain.

It is a shocking thing to see the people of the Pacific coast wantonly engaged in making their opulent salmon streams as desolate and barren as the once prolific Connecticut now is.

Mankind must conserve the resources of nature.

When our people were cutting one another's throats during the war of 1861 to 1865 game in the South became abundant, for men had ceased to hunt anything but human kind, but when peace came the war against the creatures of the field and forest was again renewed and waged with unrelenting zeal.

It is no credit to mankind that animal life is more abundant to-day around the inaccessible poles than anywhere else upon the planet.

Fish in the inhospitable Hudson Bay region are so plentiful that they could not furnish names for them all, and, like the statue to the unknown god at Athens, one of these Canadian fishes was called the "inconnu" or the "unknown" fish.

The proposed railway to Hudsons Bay will change all this. The slaughter will grow furious when "civilization" invades this breeding ground of the Far North.

Some one must in these days teach the science of how not to kill.

There are 46,000,000 acres of our forests now preserved to keep up the supply of water for our rivers. This a great step in the direction of husbanding nature's resources.

Farseeing and practical men saw that a part of the forests must be saved or the remainder of the land would become a desert, and the forest reserves were established against the protests of the unthinking.

A few of the primeval woods remain as reminders of the past. A Hibernian friend, a genial ex-Congressman from New York, once defined a virgin forest as "a place where the hand of man has never yet set his foot." This incident shows that the Irish bull, at least, is not yet extinct. [Laughter.]

Our forestry laws have enabled us to save some of these wholesome and delightful retreats.

These woods, thus set apart as the sources of water supply, may be made the city of refuge for the feeble remnant of the mighty throng of animal life that once filled this continent.

We have seen the buffalo so nearly exterminated that only about 500 living specimens to-day may be found in the whole world.

Their domestication was as practicable as that of the reindeer, the horse, or the cow.

The buffalo was the noblest of all the wild animals that inhabited this continent when America was discovered.

The ages in which this wonderful creature was evolved into his peculiar form and size are inconceivable in duration. How admirably he was adapted to life upon the western plains. When he had fed he traveled with his fellows in long lines, single file, to the favorite watering place. The herd did not spread abroad and trample down and destroy the grass in such a journey, but in long and narrow trails the journey was made, and when the drinking place was reached and thirst was sated the buffalo never defiled the pool in which he drank.

He was a gentleman among beasts, just as the game hog is a beast among gentlemen.

Perhaps out of these scanty remains new herds may again be produced.

We have preserved the wild turkey, which Benjamin Franklin proposed should be adopted instead of the American eagle as our national emblem.

The turkey has been saved; the buffalo ought also to have been domesticated. A few of the buffalos still remain. This bill makes provision by which they may have the opportunity of propagating them within a portion of the forest reserves.

Public sentiment is growing in favor of the conservation of our resources. It is timely as to some things. It is far too late as to others.

Mr. Chairman, there are these two propositions involved in this bill: First, to allow the Bureau of Forestry in the Department of Agriculture to take charge of that extended farming of the forests which only the Government can manage; second, that in a moderate degree, and within the desires of the people of the locality in which the forests are located, game and fish preserves may be established for the benefit of the surrounding country.

With this explanation, unless some other gentleman wishes to interrogate me, I will reserve the balance of my time.

Mr. ESCH. Before the gentleman takes his seat I would be glad to have him direct his attention to what I conceive to be one of the chief objections to the bill, a possible duplication of work. I am in sympathy with the purpose of the measure; but I should like to be informed whether the gentleman thinks there would be such a duplication of work in the Agricultural and Interior departments as to render the measure impracticable.

Mr. LACEY. The object of this bill is finally to prevent the duplication of work. There is to-day a complete duplication provided by law. The forest work of the Government is now distributed among three unrelated organizations: First, the Geological Survey; second, the Department of the Interior; third, the Department of Agriculture. The effect of this bill ultimately would be to transfer each reserve, as soon as its boundaries are established by the Geological Survey, to the Department of Agriculture, to be controlled, managed, and administered by that great Department.

Let me call the attention of my friend from Wisconsin to this situation. The Department of the Interior is the most over-worked Department of this Government. The greatest man that the political party in power may have in its entire ranks, outside

of the President himself, should be selected for the head of the Department of the Interior. The Secretary of the Interior decides more important questions involving private rights in value every year than the Supreme Court of the United States does in ten years. He has charge of patents, pensions, the census, lands, Indian affairs, and anything else that happens to be unassigned. The Department is overworked, and no difference how great the man may be who is filling the duties of that office he must of necessity be an overburdened man.

Mr. ESCH. I agree with the gentleman there.

Mr. CLARK. What is it that you are trying to do? Transfer it to the Agricultural Department?

Mr. LACEY. As fast as possible to transfer those reserves whose boundaries are thus established to the Department of Agriculture, to be administered by its Bureau of Forestry, which has been in existence for many years.

Mr. CLARK. Why does not the gentleman wait until they get up this new Department of Commerce and transfer it to that? It will not have any legitimate functions to perform.

Mr. LACEY. I will not discuss the Department of Commerce, but certainly the business of forestry—"tree farming," in other words—would not be a proper subject for the Department of Commerce.

Mr. SHAFROTH. If the Department of the Interior is so much overworked, why would it not be better to transfer the care and supervision of the forests, not only those that are contained within the reserves, but also forests that are similarly situated—in fact, all of the forest lands in the United States; or why would it not also be well to take from the Interior Department the entire land department and transfer it to the Secretary of Agriculture?

Mr. LACEY. I think I can answer that very easily. If my friend had two farms out in Colorado, one of which he wanted to have farmed and the other of which he wanted to have sold, he would select one kind of an agent to sell his farm and quite a different sort of man to manage the farm to be retained. The Department of the Interior and the Land Office, from time out of mind, have been organized for the purpose of selling, disposing, getting rid of our public domain, giving it away to homesteaders, disposing of it to preceptors, donating it under timber-culture laws, selling it under timber and stone laws—in short, disposing of it and passing it over to private ownership. The Department of Agriculture is a new Department, engaged in tree culture, in experimental farming of all kinds, giving scientific attention to all matters of interest to agriculture. Therefore we have this office that by its very organization is adapted to the care, the preservation, and the administration, as contrasted with a department that has control of the sale of public lands. I would not go to the extent of transferring the entire Land Department, but simply transfer that land which has become finally settled as a permanent part of our forestry system, and to transfer that for administration to a department that has nothing at all to do with the sale of the land itself, and for that reason I think that the distinction should still be drawn.

Mr. SHAFROTH. Does not the gentleman recognize that there will continually arise, even after transfer to the Agricultural Department, question after question, even to those reservations that are transferred, which will have to be determined by the Interior Department, the question of trespass, both upon reserved and upon the public land, the question of the rights of mineral claimants, both in the reservation and out of the reservation, any number of questions that are bound to arise; and would it not be economy to the Government if this Forest Bureau in the Agricultural Department was either transferred to the Interior Department or that the Land Department of the Interior should be transferred to the Agricultural?

Mr. LACEY. That would involve a very radical departure from our entire system. The present bill only transfers the surveyed reserves to the Bureau of Forestry, which is already organized and which has appropriations and which includes within it practically all the scientific foresters of the United States. In fact, the various States, where engaged in forestry, do not call upon the Interior Department in its division of forestry for information and for aid, but rather upon the Secretary of Agriculture; and the Interior Department has lately had detailed into the division of forestry of that Department one of the skilled men from the Department of Agriculture in order to aid it in carrying out its portion of the work. The work has not been satisfactory in the Interior Department, for the reasons which I have endeavored to make plain to this House, because that Department is so overburdened as to make it impossible for it to take this additional labor and care for the future of these forests as a permanent part of our administration and at the same time perform its other work.

Mr. SCOTT. With the gentleman's permission, I want to ask if the purpose of his bill is not simply to transfer the administra-

tion and control of these reserves to the Forestry Bureau, and if, after the passage of this bill, provided it should pass, all questions of title relating to the land upon which these forests grow would not yet remain under the disposition and control of the Department of the Interior as now?

Mr. LACEY. The gentleman conceives the full scope and purpose of the bill. That is the exact idea of the bill—that these questions and controversies as to private titles and matters of that kind shall still be settled in the Land Department, where they are to-day; but the administration of the reserve itself will be with the Department of Agriculture finally in all these reserves.

Mr. HILL. That is just the point I should like to ask a question about. If this bill passes will not the Department of Agriculture be absolutely controlled by the governor of the State in which the reserve is located?

Mr. LACEY. Not at all.

Mr. HILL. Why not, under the language of this proviso?

Mr. LACEY. Only this far: If it is desired by the President of the United States to change a forest reserve into a game reserve the consent of the governor of the State must be first had as to this enlarged purpose.

Mr. HILL. Not at all, according to the proviso. The proviso reads:

That hereafter no forest reserve in any State shall be created, enlarged, or extended without the approval or written request of the governor of such State, made prior to the creation, enlargement, or extension thereof.

Mr. LACEY. That is an amendment of which I personally do not fully approve. I am not discussing that, because when we get to it under the five-minute rule we can consider that.

Mr. HILL. I was simply asking for information.

Mr. LACEY. When we get to that proposition, as to the creating of forest reserves—

Mr. HILL. Under the provisions of this bill does it not practically come down to this, that we are legislating to give the governors of the States control of the Government land within the States, so far as the forest reserves are concerned?

Mr. LACEY. Not at all.

Mr. HILL. Then I do not understand the language of the bill.

Mr. LACEY. The gentleman has the same difficulty that I have sometimes in understanding bills which come from other committees.

Mr. HILL. I have not the slightest doubt about that.

Mr. HENRY of Connecticut. In connection with the inquiry made by the gentleman from Kansas, is it not true that the Department of Agriculture is to-day organized to do this work?

Mr. LACEY. Perfectly so.

Mr. HENRY of Connecticut. With a more competent corps of foresters.

Mr. LACEY. After the forest reserve is created the control is entirely with the Department of Agriculture, if the boundaries have been finally and definitely located; or if not, it is with the Department of the Interior until these boundaries shall have been fully established; but the consent of the governor shall first be had before we enlarge the scope of any particular reserve to include game preservation as well, and with the amendment to which the gentleman refers it provides that hereafter they can not be enlarged or created without the consent of the governor of the State. That is a different proposition and one that I personally approve.

Mr. HILL. I do not wish to misunderstand the gentleman and I do not want him to misunderstand me. The language is as follows:

And also provided, That hereafter no forest reserve in any State shall be created, enlarged, or extended without the approval or written request of the governor of such State, made prior to the creation, enlargement, or extension thereof.

Mr. LACEY. That is so plain, I think, that there can be no misunderstanding about that.

Mr. HILL. That provides for putting a check upon this legislation, and making it entirely subject to the direction of the governor of the State.

Mr. LACEY. Not at all. Let me explain to my friend.

Mr. HILL. And then you come to the second part.

Mr. LACEY. Let us dispose of this first.

Mr. HILL. That is, after the first part, then comes in this language:

Provided, That no forest reserve, or part thereof, shall be so set apart as a game and fish preserve within any State unless the governor of such State shall, in writing, request the President to issue such order.

Now, it seems to me in Federal legislation to transfer these reservations to the Agricultural Department you have practically made provision to transfer the control to the governors of the respective States.

Mr. LACEY. Not in that sense of the word. Now, in reply to my friend, I ask his attention while I explain it. In the first place—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman's time may be extended so that he may conclude his remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Iowa may conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. Mr. Chairman. I have already concluded my remarks, except to answer questions, and will only consume such additional time as may be necessary to do that. I would like to answer my friend, because it is a question that should be answered. We have 46,000,000 acres of forest reserves created under existing laws, created without the consent of any governor. Now the power of the Government in these reservations is limited only by the Constitution.

Attorney-General Knox, one of the clearest-headed lawyers that has ever administered the Department of Justice, has recently considered the subjects of the national power over the public lands and forest reserves, and his opinion is to the effect that Congress can, even within the limits of a State, legislate and make regulations by which animal life may be protected in the people's forests. This opinion of the Attorney-General will be a landmark in the history of protective legislation, for as Congress is given the power, it should not and will not fail to exercise it. I will print it in the RECORD.

As stated in the opinion of the Attorney-General, we need not ask the governor or any legislature of any State what we will do in those reservations. But we make a concession here. We give the President power to enlarge the existing purposes of these reservations, so as to make some of them fish and game preserves as well, but not to do this unless the governor of the State shall consent. After that consent has been given this control of the National Government will be exercised, but not until then. When the gentleman stated that we were turning over the control to the governor of a State, he does not comprehend the scope of the bill, or perhaps has been unfortunate in his expression.

Now let me answer the other part of the gentleman's question, because it was a dual question. Under existing laws the President of the United States can take any public forest land in the United States and create a forest reserve out of it. The majority of the Committee on Public Lands, recognizing the fact that some of these boundaries had been very unsatisfactory, and that friction had thereby arisen in some of the States in regard to forest boundaries, have suggested the propriety of placing the same limitation as to the creation of reserves hereafter upon the President, so that in making future additions to the existing 46,000,000 acres the consent of the governor of the State in which the reservation was located must be given; but the reserve, would not be under the control of the governor.

Mr. HILL. In the first place, I did not understand nor do I mean that it was to confer upon the State authorities the right to set aside the reservations. But is it not a fact that even when this authority is given in this bill you have got to go to get the consent of the State authorities in which the public land is located?

Mr. LACEY. They have no such right.

Mr. SHAFROTH (to Mr. HILL). Why is not that right?

Mr. LACEY. To create this reservation the President must get that consent.

Mr. HILL. The gentleman from Colorado asks, "Why is not that right?" Now, I have always been in favor of transferring certain lands in those States to the State authorities, but the gentleman who asked the question, and others from that section, believe that they can not trust themselves with it after they have been given it, and therefore they want everything to be irrigated for them and administered.

Mr. SHAFROTH. I would like for the gentleman to say what authority he has for that opinion.

Mr. HILL. I will be just as quick to transfer the irrigation of lands in the States to the control of the State authority as I would the forest reserves.

Mr. RODEY. In these provisions you have provided that the governor of a State must consent before the reservation is increased or established. Why do you not grant the same privilege to the Territories? Does not the gentleman know that the same reasons exist there for such consent?

Mr. LACEY. Mr. Chairman, I do not think the same reasons exist there at all; nor do I think that the same safeguard would exist there by reason of putting that limitation in. I have no objection to that limitation, and would be entirely willing for my friend from New Mexico [Mr. RODEY] to move the amendment, and should have no objection to the modification as to Territories; but the governors of these Territories are appointed by the President, and for the President of the United States to go to his appointee and ask his consent to create such a preserve would seem hardly necessary. But the governor does not represent the people of a Territory, as the governor of a State does. I would have no objection to putting that same limitation in as to

the Territories, if gentlemen want it done, although I do not think it would do any good.

Mr. RODEY. I think it would for this reason: The Department might come down into the Territory and create a forest reserve which the people have enjoyed as a pasture from time immemorial. The Department would include in that reserve lands unfit to be reserved, and if the governor of a Territory had a right to advise about it, they might not be created so precipitately, and we might not have to come to Washington and work for a month to get such matters reconsidered. These reserves are nearly always created by mere proclamation or Executive order without any notice to the people. We had one created, the Gila River Forest Reservation, in New Mexico, which included and still includes thousands of acres that did not have a tree on it and never will have, and we have not succeeded in having that portion eliminated yet.

Mr. BURKE of South Dakota. Will the gentleman allow me an interruption?

Mr. LACEY. Certainly.

Mr. BURKE of South Dakota. I believe the gentleman has stated that one of the reasons for the transfer of the forest reserves to the Department of Agriculture is that the Secretary of the Interior is very much overworked. I would like to ask the gentleman what position the Secretary of the Interior has taken upon this bill?

Mr. LACEY. He agrees with the President of the United States that this transfer ought to be made. I understand there is full harmony in the Administration on this question. He desires to have the transfer made, and he believes that the forestry could be better handled and administered in the Agricultural Department.

Mr. BURKE of South Dakota. Does the gentleman wish to be understood that this bill has the unqualified support of the Secretary of the Interior?

Mr. LACEY. I do not know how far I ought to quote verbal statements of the Secretary, but I will say this, that the Secretary is in hearty accord with the purposes of this bill and the transfer. In fact the bill was submitted to him after it was drawn and examined by him. In his annual report he favors this measure.

Mr. BURKE of South Dakota. Will the gentleman yield to me for another question?

Mr. LACEY. Certainly.

Mr. BURKE of South Dakota. What was the Bureau of Forestry created for?

Mr. LACEY. The Bureau of Forestry was created to study the question of forestry in the United States, its bearings on agriculture, the best methods of preserving the existing forests, the restoring of those that had been partly or wholly destroyed; in short, it was an experimental forestry bureau in which were collected the best experts that could be got in the United States, and they have been giving careful study and attention to this question for years, and their support has been provided for by the various appropriations for the Department of Agriculture from year to year ever since the creation of the Bureau.

Mr. BURKE of South Dakota. It is purely a scientific bureau?

Mr. LACEY. It is a scientific bureau and a practical bureau as well. It is a bureau that has been giving this question careful study from a scientific standpoint and from a practical standpoint also.

Mr. BURKE of South Dakota. I would like to ask the gentleman if there is anything for the Forestry Bureau to do, outside of dealing with these scientific matters, that would practically include the forestry reservations in the Department of Agriculture?

Mr. LACEY. If the gentleman alludes to legal titles, I will say that is expressly excluded from this bill. Every other question as to the control of the reservation would be with the Agricultural Department—the marking and selling or cutting of the trees, permits for grazing, protection against fire, and all of those regulations would be entirely within the control of the Department of Agriculture.

Mr. BURKE of South Dakota. Is it not true that there is a question of boundary involved in these matters?

Mr. LACEY. There was such a question, but that applies now only in part.

Mr. BURKE of South Dakota. Let me explain. There are many settlers whose rights within the forest reserves are undetermined at the present time. There are parties who have the right to take lien lands in other parts of the country. Then the mineral laws are applicable, are they not, to the forest reservations, and mineral entries may be made therein? Now, if I understand this bill, the Interior Department will still retain jurisdiction of all these questions. Am I right?

Mr. LACEY. The gentleman is entirely correct in his statement.

Mr. BURKE of South Dakota. Then why not transfer the

Bureau of Forestry, which I understand is purely a scientific bureau, from the Agricultural Department to the Interior Department, so that the scientific part of this question may be looked after under the direction of the Secretary of the Interior, instead of having two bureaus with two distinct heads, as you will have under this bill?

Mr. LACEY. I have already tried to make myself clear on that point, having devoted to it a considerable portion of my remarks. I endeavored to show that as a matter of administration, as to the propagation of trees, as to their preservation, and as to all these various matters of administration of forestry the Department of Agriculture is better fitted by the nature and purpose of its organization than any other department of this Government. In other words, we are entering upon a great system of what might be called tree farming—raising timber for future generations; and the Department that has the looking after the agriculture of the country, the Department that protects especially the interests of the farmer, is better capable of handling this branch of the administration of these reserves than any other department. The protection of the forests is essential to the farmer.

Now, I remember, Mr. Chairman, when I was a little boy, going out in the hills of my native State to gather service berries, I was surprised to see that the gentleman in charge of the party of children took an ax along. I soon found after we got into the woods what the ax was for. It was to cut down the trees in order to gather the berries. We cut the trees down and gathered the fruit. And I am credibly informed that there never have been any berries in that forest since. Every gentleman here who has passed middle life will recollect just such an offense against nature as that.

Now, Mr. Chairman, when our fathers landed on these shores, they had the idea that the forest was the enemy of mankind. There was in the mind of the white man the idea that there were two special duties to be performed—one to cut down the trees and the other to kill the aborigines.

Mr. MANN. If we had done neither we would not have been here now. [Laughter.]

Mr. LACEY. That is true. But we are here. And the trees were useful to the aborigines and are now useful to us. They should be preserved for use and not from use. And the aborigines that remain are becoming civilized; and we are trying to take care of them also. And we have made the discovery, Mr. Chairman, that the forests can not be destroyed as a whole without changing the climate of the country itself; and therefore in that high sense of taking care of the farmer all over the United States it is necessary to take care of the forests of the United States.

Mr. WILLIAMS of Mississippi. Allow me to suggest that the reason for attacking the forests and the savages ceased when either the forest or the savage ceased to be dangerous. [Laughter.]

Mr. LACEY. I think that is an exceedingly apt explanation of the situation.

Mr. ROBINSON of Indiana. It may have escaped my attention, but I have not heard the gentleman state what will be the cost of this measure, how many additional employees will be required. Will he be so kind as to give us his best estimate of the number of extra employees that will be needed in the widest practical range of the operations of this bill?

Mr. LACEY. Not a single additional employee will be required. The gentleman from Arkansas [Mr. McRAE] has prepared an amendment, which I shall support, providing that as fast as it becomes proper to transfer a reserve from the custody of the Department of the Interior to the Department of Agriculture a corresponding number of the force of the Interior Department shall be transferred. In other words, no more employees will be required than at present. We have these two Bureaus, or rather we have a Division and a Bureau, and we have the employees in both. The same amount of forest land will exist after any portion is transferred to the Department of Agriculture, and you simply transfer the men having it in charge. For instance, there are a certain number of custodians of the Grand Canyon Reserve, of Arizona, and the San Francisco Forest Reserve. Now, if those two reserves are transferred to the Department of Agriculture the employees will also be transferred, and the expense will be precisely the same as if it was handled by the Department of the Interior. It makes no change whatever.

Mr. ROBINSON of Indiana. And the gentleman is satisfied there would be no additional employees and no extra payment of money necessary under his bill?

Mr. LACEY. None whatever.

Mr. ROBINSON of Indiana. The gentleman differs widely from the other members of his committee.

Mr. LACEY. Perhaps that is where I am wrong, or they may be wrong.

Mr. HEMENWAY. The gentleman from Iowa admits there would be divided jurisdiction?

Mr. LACEY. No; I say there is divided jurisdiction now; has been for years.

Mr. HEMENWAY. And it would be divided to a still greater extent if this was transferred.

Mr. LACEY. No, sir; it would gradually be absorbed all in one. The bill provides for the elimination of the present division of work.

Mr. HEMENWAY. Does the gentleman seek to transfer the determination of legal questions now determined by the Interior Department to the Agricultural Department?

Mr. LACEY. No, sir; nor would I transfer the determination of those legal questions from the Attorney-General or the courts of justice.

Mr. HEMENWAY. Then in the event that some one has entered ground in one of these forest reserves and seeks to transfer that entry to other public lands, would that question be determined by the Agricultural Department?

Mr. LACEY. Not all.

Mr. HEMENWAY. Would not the same clerks that have to determine those questions or deal with those questions have to be retained in the Interior Department and new clerks put in the Agricultural Department to take care of these forest reserves if they are transferred to the Agricultural Department?

Mr. LACEY. No. The gentleman misapprehends the scope of this bill.

Mr. HEMENWAY. Not at all.

Mr. LACEY. There are two duties to perform in regard to forest reserves. There are duties in relation to private individuals who have interests in public lands. Those matters are for the Land Department. Matters from the Land Department may be transferred by mandamus to the courts. If a patent is issued, a direct proceeding may be brought in chancery to compel the patentee to become a trustee for the benefit of the real equitable owner of the property. Now, all those matters are matters of a legal nature, and are controlled by the Land Department as a court. The control of the forest reserves, taking care of timber, and all that, has nothing whatever to do with a proposition of this kind.

Mr. HEMENWAY. What is done to control the forest reserves now other than to protect them with the forest rangers that are there, and to determine whether or not settlers are entitled to timber from the forest reserves, and to determine when parties having claims in the forest reserves can transfer them to other public lands—what other than that duty has anybody to perform?

Mr. LACEY. The Land Department of the Government has charge, exclusive of Alaska, of 600,000,000 acres of land—a pretty big farm. That includes the minerals; it includes the forest reserves and the national parks; that includes all of the land in which the Government of the United States had and retains the original title. Now, the work in regard to this business is divided up. We have a forestry division of the Land Office. That forestry division has nothing whatever to do with these questions of title. All questions of title are disposed of in other divisions of the Land Office. We have another division of the Land Office that has charge of the minerals and another one that has charge of patents, and so on.

The work is all thoroughly divided, and the control of the forestry to-day by the Land Office is in a separate division, just as separate as though it belonged to the Department of Agriculture, and there is no conflict, either necessary or possible, between the settling of private rights or the rights between the public and a private individual as to a quarter section of land or a mine in a forest reserve and the question of administering and caring for the timber that stands on the undisputed part of that forest reserve. We have to-day three different jurisdictions—the Geological Survey, that surveys the boundaries; the forestry division of the Land Office, that handles the timber and does the work that is proposed to be done under this bill, and, third, we have the Bureau of Forestry in the Department of Agriculture, with a full and complete force capable of relieving the Department of the Interior of a considerable portion of this work; and thus the bill is in the interests of economy, and would result in a reduction of the force instead of necessitating its enlargement.

Mr. MONDELL. The gentleman refers to the work of the Geological Survey in the forest reserves. I do not understand that the gentleman proposes to transfer the survey of the reserves to the Agricultural Department.

Mr. LACEY. Not at all. I only say that by way of explanation as to the divided jurisdiction.

Mr. MONDELL. So that they would still have to do with that if the bill passed.

Mr. LACEY. Yes.

Mr. MANN. If I understand the gentleman, the principal reason for making this transfer is that the Interior Department is overworked.

Mr. LACEY. No; that is only one of the reasons. That is perhaps the least reason of all, but it is a good reason.

Mr. MANN. Why does the gentleman say that the Interior Department is overworked? For instance, the Committee on Interstate and Foreign Commerce has been considering a bill for the creation of a department of commerce. Hearings have been going on for some time on that subject, but there has been no suggestion to transfer any of these departments out of the Interior Department.

Mr. LACEY. Oh, yes, there is; to transfer one of the greatest of all of them, the Patent Office.

Mr. CRUMPACKER. And the Census.

Mr. LACEY. And the Census Office.

Mr. MANN. The Patent Office is not in the bill, and the Census Office is an entirely separate office.

Mr. LACEY. Is it true that an objection is made to the transfer of the Patent Office?

Mr. MANN. The Patent Office is not in the bill as it passed the Senate, and no one has come from the Interior Department to ask that it be transferred.

Mr. LACEY. So far as the Patent Office is concerned, it is a compact office, complete in its organization and in all its parts. The Land Office, on the other hand, has a vast jurisdiction and an enormous labor upon it and divided duties. The Patent Office is a separate office that could as well be run under the Attorney-General. The only point would be that there must be some sort of an appellate tribunal to try cases, and that has been simplified in the Patent Office by making provision for the transfer of all these questions to the courts, so as finally to adjudicate private rights in regard to patents on inventions.

Mr. MANN. Is not the Land Office practically a separate office, by itself?

Mr. LACEY. Yes; but I am speaking of the divided duty which it has. Patents are all alike. They all involve inventions. The Land Office involves minerals, forestry, and various matters of agriculture. There are a great many things. There is a large variety of business, and, familiar as I have of necessity become by long connection with the legislation in this House on the subject of the public lands, I find that that department is one of the most overloaded departments of the Government and that after these 46,000,000 acres of land are finally set apart to the Department of Agriculture there will still be half a billion and more of acres left for the Land Office to take care of.

Mr. MANN. May I ask the gentleman a technical question?

Mr. LACEY. Yes.

Mr. MANN. I notice you state here that the powers vested in the Department of the Interior shall be exercised by the Department of Agriculture.

Mr. LACEY. Where does the gentleman find that?

Mr. MANN. From the first section, on the first page. What I wish to ask the gentleman is this: Whether that would cover powers conferred upon the Secretary of the Interior, which I presume is the form of the law as it exists?

Mr. LACEY. All powers that the Secretary of the Interior now has in an untransferred reserve would hereafter be exercised by the Secretary of Agriculture in such reserve when it was transferred, with the exception of those questions of title which are reserved in another part of the bill.

Mr. MANN. That would depend on whether your law transfers the power. It does not say that the powers conferred upon the Secretary of the Interior shall be transferred, but that the powers conferred upon the Department of the Interior shall be transferred.

Mr. LACEY. There is no distinction between the Department of the Interior and the Secretary of the Interior in the use of this language. The Secretary of the Interior is the head of that Department.

Mr. MANN. I wanted to know if the gentleman has considered that.

Mr. LACEY. I think so. We have endeavored to cover and anticipate the point which my friend makes, which I think is worthy of consideration.

Mr. MANN. You have been discussing the question of the transfer of these forest reserves from one department to another. Is not the real milk in the cocoanut in this bill the power to create game preserves and special preserves for the propagation of game?

Mr. RODEY. Buffalo Jones's bill is the real milk in the cocoanut.

Mr. LACEY. I will say upon that that the minority of the committee, in their report, have eliminated from the bill every feature of transfer, and the committee are unanimous upon the game feature of the bill, there being absolutely no difference of opinion in the committee on that question.

Mr. MANN. I notice that section 2 has a limitation upon the power to make a forest reserve a game and fish reserve, limiting it to the request of the governor of a State; and in section 4 I find that that limitation is wiped out, by conferring it upon the Secretary of Agriculture and the Secretary of the Interior, and

it has been conferred upon the Secretary of Agriculture and the Secretary of the Interior so as to cover all forest reserves, the power to maintain special reserves, not game or fish reserves, but special reserves for the protection of any kind of native animal. So that that wipes out the limitation.

Mr. LACEY. As to that particular thing.

Mr. MANN. But it covers everything.

Mr. LACEY. Not at all. There are few wild animals to-day controlled by private individuals; but a few buffaloes still remain.

Mr. MANN. But this says that they shall have power to form forest reserves under either Department—to establish and maintain special preserves—

Mr. LACEY. Certainly.

Mr. MANN:

on any forest reservation for the propagation and perpetuation of the American bison, catalo, or other cross breeds, or other American animals, and shall have power to transfer to such preserves any native game whenever, in his opinion, such animal is threatened with extermination.

Now, that covers everything.

Mr. LACEY. Not at all.

Mr. MANN. Does not that cover all native animals?

Mr. LACEY. The purpose is to allow the creation of special reservations for the use of bison and other indigenous American animals, and they shall have power to transfer these animals to such reservations. That is the general purpose of this bill. Now, let me say—

Mr. MANN. Who is to be the judge?

Mr. LACEY. Let me make an explanation. There are to-day perhaps in the whole world, as I have said, not exceeding 500 buffaloes. There are two or three small herds of those buffaloes. Under this provision the Secretary of the Interior, without the consent of the governor or anybody else, can permit them to be set apart; he can to-day, without the consent of the governor, also lease and permit men to put in these same reserves cattle, horses, or sheep, and this provision gives him the same power as to these few remaining animals that are thus held by private ownership, just the same as to the other domestic animals.

Mr. MANN. Why do you say these "few animals" is the limitation?

Mr. LACEY. There are a very few animals to which this provision could be made applicable. There are to-day perhaps 100 of a certain variety of elk in the southern end of the San Joaquin Valley, only one body of them in the world. The proposition has been made to gather them up and put them in a forest reserve. They are the only remaining ones of their species. A part of the Allard herd of buffaloes would probably be put upon some one of these reservations. Now, so far as I know, the only animals anywhere in the United States that can thus be transferred are those two particular herds, and possibly one or two other buffalo herds. There are perhaps three or four small buffalo herds that could thus be transferred, and the right is given here, without asking the governor whether he consents to this or not, whether these little herds should be put into either one of the reservations recommended in the bill. If my friend thinks that there ought to be some further limitation put upon this protection, I am perfectly willing that it shall be done. I will have no objection to it, because there is no purpose such as he imagines might be concealed in this section of the bill, and when we come down to this particular section I shall be glad for him to call attention to it, and if any amendment can be made that is necessary it can be done.

Mr. MANN. If the gentleman will pardon me, I have a great deal of faith in the opinion of the gentleman from Iowa about game animals. I have heard him often, and have always believed him as to the extermination of certain native game animals and birds, but it seems to me a provision like this would let the Secretary of Agriculture or the Secretary of the Interior take any of the animals in the United States on the ground that they were liable to be exterminated and establish a special reservation for them.

Mr. LACEY. I see no objection whatever to that, but if my friend does, I am willing to limit it. I think the moose might be cared for in that way. It has been almost exterminated.

Mr. JONES of Washington. Will the gentleman yield to me?

Mr. LACEY. Certainly.

Mr. JONES of Washington. I understood one of the reasons why the gentleman claimed this bill should pass was that the Bureau of Forestry was fully organized and had a full force, and could relieve the Interior Department. Would the gentleman go so far as to say that the members of the Bureau of Forestry have nothing to do, and will not have anything to do if this bill does not pass?

Mr. LACEY. The Bureau of Forestry has a great deal to do. They have been aiding the various States in forestry matters. I would give them more national work to do, and this bill will have

that effect. The more national work that is put upon them the better.

Mr. JONES of Washington. Does not the gentleman think that they will ask for bigger appropriations?

Mr. LACEY. I hope they will get whatever is necessary to do this work. I do not want to be misunderstood about it. I believe the subject of forestry has not come to the attention of the American people any too soon, and if there is some money expended in it it is well expended, and some money should be expended there. [Applause.]

Mr. Chairman, I am not here to be frightened about a little matter of that kind. Money that is spent upon one or two creeks in impossible attempts at making them navigable would take care of this great interest that is of vital importance to that body of our citizens upon which every other part of the American people must depend—the farmers of the United States. [Applause.]

Mr. Chairman, the question of expenditures is in safe hands. Our friend from Illinois [Mr. CANNON], chairman of Appropriations, has been renominated and he is in good health. [Laughter.] God spare him long to look after the finances of this nation! I have no question but he will look after these appropriations with that care with which he has scrutinized all appropriations. I am willing to trust him. He is a little hard, sometimes, to get money out of, but it always comes in the end if the object is worthy.

Mr. CANNON. Mr. Chairman, "the gentleman from Illinois" has no more to do by way of jurisdiction, nor has the committee to which he belongs, with the Forestry Bureau in the Agricultural Department than the man in the moon. It stands without organic law. It abounds only in appropriations. It has grown in thirteen years from \$8,000 to \$300,000. It does nothing but scientific work, and no man has been able to get a statement of what that scientific work is.

Mr. LACEY. Well, Mr. Chairman, I may have to take back some of the good words I have just uttered. [Laughter.] Of course the gentleman from Illinois is not chairman of the Committee on Agriculture, but all of the various committees that have their appropriation bills—the Military Committee, the Agricultural Committee, and the various committees that have appropriation bills—always sit at the feet and take counsel of the gentleman from Illinois. He knows more of the subject than any other man knows, and they do well to take his judgment. This matter would be under the eagle eye of the chairman of the Committee on Appropriations, and also of the gentleman who has charge of the Agricultural Committee; they would constantly inspect this appropriation.

Mr. CANNON. I hope the Committee of the Whole will take my judgment on this matter, and if they do, they will cut it off right close up behind the ears by striking out the enacting clause. [Great laughter.]

Mr. LACEY. Mr. Chairman, I hope they will not do any such thing. I had the same controversy with the gentleman from Illinois in regard to another bill some years ago, in which he saw immense trouble and danger, but it has worked out precisely the opposite from what he thought it would. It is well that somebody should see nothing but evil in appropriations. There never was a train yet that did not have a brake on it. There must be a brake, but you can not run the train with a brake alone—not successfully. While I commend my friend generally, here in this case he is exercising his judgment without giving attention to the real purpose of the bill. From his committee have come in bills on subjects that I did not agree with him upon that appropriated more money in a single year than this whole Bureau of Forestry would consume in ten years; but it was his judgment and the House followed it, and I accepted his judgment. But when it comes to matters of legislation we have the President of the United States asking for this bill in his annual message and we have the Department of the Interior approving and asking for it. We have a bill that has for its purpose the preservation and conservation and administration of our forests.

Whatever expense may attend this work will be contributed by the American people and appropriated by the Congress of the United States, and the revenues from the forests will finally more than pay the expenses. These forest reserves will become an asset instead of a liability. To-day the administration of forestry in the Philippine Islands is one of the principal sources of revenue there, and that forestry work is administered under the Spanish law, which has been reenacted, with some modifications, by the Philippine Commission. Under prudent and proper management our forests will become sources of revenue over and above all possible expense in their management.

Without these forests in our Western mountains the desolation of the mountains of Palestine and Southern Italy will be soon duplicated in the United States. We must learn from the mistakes of others. North Carolina is asking to have her hills again restored to a forest state, so as to bless and fertilize the valleys below. Let us move in time in the arid regions of our Western domain.

Mr. CRUMPACKER. Before the gentleman sits down, I would like to ask him one question for information. There is now a division of forestry, as I understand, in the Interior Department and also a bureau of forestry in the Agricultural Department. Does the division of forestry in the Interior Department, which now has control of the forest reserves, undertake to maintain any scientific supervision or scientific promotion of the forest growth and development?

Mr. LACEY. They never have done so until quite recently, when they borrowed a scientist from the Agricultural Department, had him sent over there, and are endeavoring to organize that division on a somewhat more scientific basis. In fact, Mr. Chairman, the control exercised by the Department of the Interior over the management of forest reserves has been almost wholly that of trying to prevent fires.

Mr. CRUMPACKER. Now, I understand the work of the Interior Department is growing into a scientific supervision, and, therefore, before many years we shall have two bureaus organized for the purpose of scientifically promoting the preservation and the development of the forests in this country, unless we take some measure to concentrate this work in a single bureau or division.

Mr. LACEY. Unless we put the work into a single department that must be the result. In short, this bill provides for an ultimate reduction and concentration of this service into a single department adequate to the control of this work, and fully and completely organized to carry it on.

I append the opinion of the Attorney-General, to which I have referred:

DEPARTMENT OF JUSTICE, Washington, D. C., January 3, 1902.

SIR: Complying with the request therefor contained in your note of December 5, 1901, I here transmit to you some of my views upon the questions there suggested. These questions are as to the power of Congress to enact laws for the protection and control of or relating to our national forest reserves when within the limits of a State, and specifically to make such reserves, to some extent, refuges for the preservation of the remnant of the game in those localities. They necessarily involve, also, substantially the same questions as applicable to the general public domain, for so far as concerns the question of Federal legislative power no difference in principle is perceived.

I quite agree with you that as to those reserves situated within a Territory of the United States this Federal legislative power is ample, and the questions are those arising when such reserves are within the limits of a State; but in order to the determination of those it may be well to refer briefly to the nature and source of this Federal power over the Territories.

As to the source of this power there has been a diversity of opinion, and the power is claimed to have arisen from that provision of the Constitution which gives Congress the "power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States;" and other sources of this power have been suggested; but, whatever its origin, the existence of this power, as the Supreme Court has several times said, is undoubted.

While, in the *Dred Scott* case (19 How., 393), it was held that this constitutional provision applied only to such territory as the United States then had and did not apply to that subsequently acquired by treaty or conquest, this has not been acquiesced in in later cases, several of which point to this provision as, at least, one of the sources of the power and control which Congress exercises over the various Territories. And, I think, it may be taken as now settled that this provision confers upon Congress the power stated over all the Territories.

Congress, then, having sovereignty and ample legislative control of the Territories while they are such and of the public lands therein, one important question is how far this sovereignty and right of control is surrendered to the State by its admission into the Union. And here we may look again to the Constitution, then to the acts admitting such States, and to their constitutions when admitted.

And, first, as to the Federal Constitution. Assuming, as I think we may, that the provision above referred to applies to all "territory and other property belonging to the United States," whether then already or subsequently acquired, what was the intended limit of the duration of the power thus conferred? Was it intended to continue only until the new State was admitted, and to then cease and leave Congress and the Government without any power to "dispose of" or to "make needful rules and regulations respecting" the public lands or "other property" belonging to the United States, or was it intended to continue as long as its subject-matter and its necessity continued? If the former, we must look to some other source for the power of Congress to dispose of and regulate the management of the public domain within the limits of a State. If the latter, then this provision is ample.

I do not consider here the case of military forts, posts, dockyards, etc., for which special provision is made in the Constitution, nor sites for post-offices, court-houses, etc., the question of jurisdiction over which is generally settled by convention.

When the Constitution was adopted we had but one Territory, though it is fair to suppose that others were looked upon as possible; but the one that we had was acquired under conditions which required its admission into the Union in not less than three nor more than five States, with equal sovereignty with that of the original States, and the Constitution provided for the admission of new States. Thus, with the subject of new States directly in mind, did the framers intend to give Congress power to dispose of and manage the public lands while in a Territory and to leave it without the power to do either after a State was admitted? For it could not have escaped them that to confer this power while the Territory remained such was, by the strongest implication, to deny it afterwards. Did they intend this?

In the first place—and this is quite sufficient for its construction—the provision itself imposes no limitation, either of time or of Territorial or State condition; nor does the nature of the power conferred imply any such limitation. On the contrary, the power is as broad and general as language could make it, with no limitation whatever, either expressed or implied. And the reason and necessity for the power are tenfold stronger after the admission of the State than during the existence of the Territory; and there is no rule of law or of construction which will permit us to impose a limitation which neither the instrument itself nor the nature of the power imposes or implies. And the general rule is that when a power is conferred without limitation, expressed or implied, it continues as long as the necessity for its

exercise. And the Supreme Court has more than once said (as in *Gibson v. Choteau*, 13 Wall., 92, on p. 99) "That power is subject to no limitations."

The difficulty and misconception here arises chiefly from the use, in this clause, of the word "territory." If, instead, the expression had been that Congress should have power to dispose of and make all needful rules and regulations respecting the land and other property, there could have been no question but that this power of disposition and control continued after statehood as before. But this is exactly what the provision does mean. It does not refer to organized Territories, as to which the term "dispose of," and make "rules and regulations" and "other property" are not appropriate; but it refers to land and other property. And this is expressly held in *United States v. Grotiot* (13 Pet., 536), where it is said (p. 536):

"The term territory, as here used, is merely descriptive of the kind of property, and is equivalent to the word lands. And Congress has the same power over it as over any other property belonging to the United States, and this power is vested in Congress without limitation."

This of itself would seem to make the meaning fairly certain. Consider the situation. After a long struggle, which had long delayed the adoption of the Constitution, the people had finally settled the ownership and sovereignty of the lands outside of the States in the General Government. It was claimed that as this territory had been wrested from Great Britain by the blood and treasure of the people of all the States it should be held for their common benefit, and not for any State, and it was finally so settled and agreed and the whole territory ceded to the United States for the common benefit of all. At that time, next to State jealousy of Federal power—if second to even that—there were mutual State jealousies of the power of each other, and this was one of the causes of the dispute over the public territory, and yet it was certain and well known that on the admission of the expected new States, with their sovereignty within their borders, all of the sovereignty and control of this territory within their borders which was not in the United States would be in those States, respectively, and that that sovereignty and control which they had so long struggled to place in the United States would be passed over to these three to five States as they were admitted. This was certain to be the case, for if Congress did not have this sovereignty and control after a State was admitted, then the State did have it, and no other State could interfere.

These States might then, by unfriendly legislation or by no legislation, or both, so hamper these lands, their sale, occupancy, and control as to render them of little value except to those States and their people. It is simply incredible that this was intended. If it was not, then it was intended that this vital power of disposal and control should continue at a time when, of all others, it was most needed. While the Territory remained such the sovereignty of the United States was complete without any other grant than that contained in the cession, and this special grant of power was not at all necessary. Its chief if not its only use and purpose was that, when and after these lands passed into and under the sovereignty of a State, they should do so subject to the paramount sovereignty of the United States so far as was needful.

In framing this dual government, this imperium in imperio in which each State was to be in many respects sovereign in the nation, and the nation in many respects sovereign in each State, the separation of these sovereignties and their lines of demarcation must have received the most careful attention of those statesmen as one of the most important and difficult problems which confronted them. And, as the control and disposal of this Territory was one of the most important and burning questions of the time, and had long been such, delaying and, for a time, endangering the adoption of the Constitution, it would seem impossible that when dealing directly with this question provision was made for this control while in a Territorial state, and when it was little needed, and purposely omitted at a period when, of all others, it was most needed. We shall come nearer to the real meaning of this provision by reading it as it is so plainly written, without any limitation, either of time or Territorial or State condition.

If authority for this construction be needed it is not lacking, and in another connection I shall refer to some cases which come first to hand.

Assuming then, as I think we must, that this constitutional provision confers upon Congress the power of disposition and control of the public lands after the admission into the Union of the States containing them, how much, if any, of this power is surrendered to the States by the acts admitting them into the Union as sovereign States? And here the general rule is certain (although questions may arise as to its application to particular cases). So far as its exercise is needful to the disposition and full control and management of these lands, Congress has always been and is incapable of diverting, alienating, or surrendering any part of it. It is uniformly held that while the title of the United States to the public lands is absolute as against every other title, yet it is held in trust for the ultimate benefit of all the people in such manner as may be prescribed by law, and this is peculiarly the case as to the only Territory we had at that time. Congress, then, being a trustee of the title, can not divert, alienate, or surrender any power necessary or proper for the disposal, protection, preservation, control, or management of its lands, nor in any way discharge itself from the duty of executing the trust confided to it.

But while this power to make all needful rules and regulations is also the power to determine what are needful, and while, therefore, this power so conferred is, in terms absolute and unlimited, yet, notwithstanding some general statements of the Supreme Court, it may be well claimed that, after the admission of a State, there is necessarily a limit arising from other portions of the Constitution and the general powers of the State. For example, may Congress continue to legislate for this public land—some of it, perhaps, in small, isolated quantities—upon all subjects of municipal legislation, civil and criminal, and irrespective of the laws of the State upon the same subjects, as it does, for example, in the District of Columbia? Or, on the other hand, is the power of Congress within a State limited to such acts, legislative or otherwise, as are required for the disposal, protection, and control of such lands? Or is there, between these, a limit to Federal power, legislative or executive? It is not necessary to discuss here the first of these questions, for no such general legislation is contemplated, and the other two, and also how far Federal control has been surrendered by acts admitting States into the Union, may be examined in the light of another consideration, viz, the rights incident to ownership.

Subject to the eminent domain of the State, the collection of taxes, the service of process, and other kindred superior rights, the ownership of land carries with it, as incident to and a part of such ownership, the right of exclusive possession and control, which includes the right to forbid and prevent intrusion thereon for any purpose and to prevent and remove trespassers. The owner may forcibly prevent such intrusions if he can, or he may apply to the courts for relief or to recover damages. But a private individual may not himself enact laws for the protection of his property or to punish trespassers upon his lands. Is the United States in the same situation as to its lands within a State? Is it without power to itself enact laws for the disposal or management of its public lands within a State, or for their protection from fires, or the preservation of its timber or minerals thereon? This is undoubtedly the case, if the United States, as to such lands, has no other rights than those of an ordinary proprietor.

And it must be admitted that much that is said by the court in *Fort*

Leavenworth Railroad Company v. Lowe (114 U. S., 525) is directly to the effect that as to lands within a State, unless jurisdiction is reserved in admitting a State, or the land is acquired by the United States with the consent of the State for military purposes, etc., as provided in the Constitution, the United States has no other rights than those of an ordinary proprietor, and that, like other lands, they are subject to the sole jurisdiction and sovereignty of the State. And it is in view of this that I discuss this question more elaborately than I otherwise would. But if what is there said is to be considered as a denial of all legislative power of Congress over such lands, not only is it opposed to the uniform practice of the Government from the beginning, with the frequent approval of that court, and to many contrary declarations of that court, but the contrary is directly held in later cases.

But what is said in that case must be read with reference to and in the light of the case then before the court. The question in that case was that of the exclusive jurisdiction, or not, of the United States over that part of the reservation not used for military purposes. Upon the admission of Kansas no reservation of Federal jurisdiction was made, but later the State ceded that jurisdiction to the United States with this saving clause, viz, the right to serve civil and criminal State processes therein, and "saving further to said State the right to tax railroad, bridge, and other corporations, their franchises and property on said reservation." The State levied a tax on a railroad on this reservation, and the question of its power to do so depended upon whether the reservation was in the exclusive jurisdiction of the United States. The court held that, inasmuch as it was not purchased with the consent of the State "for the erection of forts, magazines, arsenals, dockyards, and other needful buildings," under clause 17, section 8, Article I, of the Constitution, the United States had no such exclusive jurisdiction, and that, under this saving clause, the State had power to tax the railroad property; and that the only way by which the United States could acquire this exclusive jurisdiction within a State was that provided by the Constitution, viz, by purchase with the consent of the State.

The question of concurrent jurisdiction or of Federal jurisdiction for some purposes was not discussed nor even mentioned, for it was not involved. Nor was any allusion made to that other constitutional provision giving to Congress the power to make needful rules, etc., which certainly gave to Congress much greater power than is possessed by an ordinary proprietor. And, if the court decided that it did not do so, or did not apply to lands within a State, or decided anything else upon a question of such vast importance, it did so sub silentio by saying nothing about it. That is not the way in which that court settles questions of such importance.

From the beginning the whole policy and practice of the Government in respect of its public lands has been based upon the generally unquestioned power of Congress to legislate for their disposal, management, and protection, in both Territories and States, and with the frequent approval of the Supreme Court. It is needless to refer to these various acts of legislation as to lands in States and Territories. Their name is legion, but each and every one of these acts was the assertion and the exercise of Federal jurisdiction and sovereignty, and of a right far superior to that of any mere proprietor as to lands within a State.

This must have been either because, in the admission of the State, the jurisdiction necessary for that purpose was either expressly or impliedly reserved—the latter of which is not probable—or because the constitutional provision referred to confers that power, and this would seem a quite sufficient source of power.

In *Gibson v. Choteau* (13 Wall., 92) it is said in the syllabus that "the power of Congress in the disposal of the public domain can not be interfered with or its exercise embarrassed by any State legislation." And on page 99: "With respect to the public domain, the Constitution vests in Congress the power of disposition and of making all needful rules and regulations. That power is subject to no limitations." Nothing could be more conclusive that this constitutional provision applies also to lands within a State, and that the legislative power thus conferred is paramount.

In *Jorden v. Bennett* (4 How., 169) it is said (p. 184):

"By the Constitution Congress is given power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States for the disposal of the public lands. Therefore, in the new States where such lands be Congress may provide by law, and having the constitutional power to pass the law, it is supreme. So Congress may prohibit and punish trespassers on the public lands. Having the power of disposal and of protection, Congress alone can deal with the title, and no State law, whether of limitation or otherwise, can defeat such title."

This was the holding of the Supreme Court up to the time when the *Fort Leavenworth* case was decided, and it is not supposable that that court intended to then overrule these cases and deny this legislative power of Congress and all other powers save such as belong to an ordinary individual proprietor, while making no reference whatever to its previous holdings. That it did not so intend is manifest from the only other case which I shall cite upon this question, that of *Camfield v. United States* (187 U. S., 518), where it is said in the syllabus:

"The Government of the United States has, with respect to its own lands within the limits of a State, the rights of an ordinary proprietor to maintain its possession and to prosecute trespassers; and may legislate for their protection, though such legislation may involve the exercise of the police power."

And on pages 524, 525, the powers of the Government, both as an individual proprietor and as a sovereign, are well stated:

"The lands in question are all within the State of Colorado. The Government has, with respect to its own lands, the rights of an ordinary proprietor to maintain its possession and to prosecute trespassers. It may deal with such lands precisely as any private individual may deal with his farming property. It may sell or withhold them from sale. It may grant them in aid of railways or other public enterprises. It may open them to preemption or homestead settlement, but it would be recreant to its duties as trustee for the people of the United States to permit any individual or private corporation to monopolize them for private gain and thereby practically drive intending settlers from the market."

And on page 525:

"The General Government doubtless has a power over its own property analogous to the police power of the several States, and the extent to which it may go in the exercise of such power is measured by the exigencies of the particular case. If it be found to be necessary for the protection of the public or of intending settlers to forbid all inclosures of public lands, the Government may do so, though the alternate sections of private lands are thereby rendered less valuable for pasture. The inconvenience, or even damage, to the individual proprietor does not authorize an act which is in its nature a purpresture of Government lands. While we do not undertake to say that Congress has the unlimited power to legislate against nuisances within a State which it would have within a Territory, we do not think the admission of a Territory as a State deprives it of the power of legislating for the protection of the public lands, though it may thereby involve the exercise of what is ordinarily known as the police power, so long as such power is directed solely to its own protection. A different rule would place the public domain of the United States completely at the mercy of State legislation."

This, so manifestly the correct doctrine, would seem to cover and to settle the whole question and to authorize the proposition that, as to public

lands within a State, the Government has all the rights of an individual proprietor, supplemented with the power to make and enforce its own laws for the assertion of those rights and for the disposal and full and complete management, control, and protection of its lands.

Among these undoubted rights is the right of absolute or partial exclusion, either at all or at special times and for any or for special purposes.

While Congress certainly may by law prohibit and punish the entry upon or use of any part of these forest reserves for the purpose of the killing, capture, or pursuit of game, this would not be sufficient. There are many persons now on these reserves by authority of law, and people are expressly authorized to go there, and it would be necessary to go further and to prohibit the killing, capture, or pursuit of game, even though the entry upon the reserve is not for that purpose. But the right to forbid intrusion for the purpose of killing game is one thing, and the right to forbid and punish the killing, per se, and without reference to any trespass on the property, is another. The first may be forbidden as a trespass and for the protection of the property; but when a person is lawfully there and not a trespasser or intruder the question is different.

But I am decidedly of opinion that Congress may forbid and punish the killing of game on these reserves, no matter that the slayer is lawfully there and is not a trespasser. If Congress may prohibit the use of these reserves for any purpose, it may for another; and while Congress permits persons to be upon and use them for various purposes, it may fix limits to such use and occupation and prescribe the purpose and objects for which they shall not be used, as for the killing, capture, or pursuit of specified kinds of game. Generally any private owner may forbid, upon his own land, any act that he chooses, although the act may be lawful in itself; and certainly Congress, invested also with legislative power, may do the same thing, just as it may prohibit the sale of intoxicating liquors, though such sale is otherwise lawful.

After considerable attention to the whole subject, I have no hesitation in expressing my opinion that Congress has ample power to forbid and punish any and all kinds of trespass upon or injury to the forest reserves, including the trespass of entering upon or using them for the killing, capture, or pursuit of game.

The exercise of these powers would not conflict with any State authority. Most of the States have laws forbidding the killing, capture, or pursuit of different kinds of game during specified portions of the year. This makes such killing, etc., lawful at other times, but only lawful because not made unlawful. And it is lawful only when the State has power to make it lawful by either implication or direct enactment. But, except in those cases already referred to, such as eminent domain, service of process, etc., no State has power to authorize or make lawful a trespass upon private property. So that, though Congress should prohibit such killing, etc., upon its own lands at all seasons of the year, this would not conflict with any State authority or control. That the preservation of game is part of the public policy of those States and for the benefit of their own people is shown by their own legislation, and they can not complain if Congress upon its own land goes even further in that direction than the State so long as the open season of the State law is not interfered with in any place where such law is paramount.

It has always been the policy of the Government to invite and induce the purchase and settlement of its public lands, and as the existence of game thereon and in their localities adds to the desirability of the lands and is a well-known inducement to their purchase, it may well be considered whether, for this purpose alone and without reference to the protection of the lands from trespass, Congress may not, on its own lands, prohibit the killing of such game.

Your other questions relate to the method of enforcing these Federal powers, if they exist, to the nature and kind of laws therefor. While such questions are peculiarly for Congress, yet, as you request it, I will suggest what occurs to me.

You very properly suggest the power of Congress over interstate commerce as tending indirectly to this end, by prohibiting interstate transportation of game, living or dead, or of the skins or any part thereof. There is some legislation upon that subject. I do not take the pains to examine this to see how sufficient it is; but if not already done, something to the end desired may be accomplished in this way, but as a remedy this would fall far short of what is required.

You allude also to the aid and cooperation of forest rangers and those in charge for the enforcement of State laws. This would be well, and especially so in the way of securing good feeling and harmonious action between Federal and State authorities. There is a provision for that in the act of March 3, 1899 (2 Sup. Rev. Stats., 933), but it simply imposes a very general duty, and should be more specific as to what acts are required to be done.

In this connection, and with reference also to the general protection of these reserves and the other public lands from fires, cutting timber, killing game, and other depredations, I would suggest, in view of the existing law as to arrest without a warrant, whether it would not be well to give marshals and their deputies and the superintendents, supervisors, rangers, and other persons charged with the protection of these reserves power, on the public lands, in certain cases approaching "hot pursuit," to arrest without warrant.

Complaints come to this Department that very often the place of illegal acts is so far from the office of any magistrate, and the means of communication such, that before formal complaint can be made and an officer with a warrant sent there the offenders are beyond successful pursuit. I commend this to your consideration. No matter what laws we may have for the protection of these reserves, the public lands generally, or the game, they would be in a very great many cases wholly inefficient, owing to the impossibility, under the present law as to arrests, of their enforcement.

There are already many statutes against setting fires and trespassing upon the public lands. Perhaps these are sufficient, so far as laws go. I do not examine this; but as to the protection of game on forest reserves drastic laws for that purpose, together with better means, as above suggested, for their enforcement, are required.

I would suggest the making it an offense to enter or be upon or use any portion of a forest reserve for the purpose or with the intent to kill, capture, or pursue (certain specified kinds of) game, or to kill, capture, or pursue with intent to kill or capture such game, on any portion of such reserve, and I would do this for the whole year as to some kinds of game, at least, and make such killing, capture, or pursuit the evidence of such purpose or intent. The latter clause, as you will see, proceeds against the act itself, irrespective of any trespass upon the lands, if, indeed, such act does not necessarily involve a technical legal trespass. But this may be questionable in case, for example, when one who is properly there, kills game. I would insert it at any rate, and it will, with the other, operate as a preventive.

Respectfully,

HON. JOHN F. LACEY,
House of Representatives.

P. C. KNOX, Attorney-General.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate,

by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2975) granting an increase of pension to Levi Hachett.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 5906. An act declaring the Osage River to be not a navigable stream above the point where the line between the counties of Benton and St. Clair crosses said river.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 46.

Resolved by the Senate (the House of Representatives concurring). That there be printed 9,000 copies of the document known as Messages and Papers of the Presidents, of which 3,000 copies shall be for the use of the Senate and 6,000 copies for the use of the House of Representatives, the remainder, if any, to be held by the superintendent of documents, subject to the future action of Congress; and an edition of 10,000 copies shall be printed, to be held by the superintendent of documents and by him sold at the actual cost of publication.

TRANSFER OF FOREST RESERVES.

The committee resumed its session.

Mr. MONDELL. Mr. Chairman, the bill under consideration contains two propositions. Section 1 provides for the transfer of all the forest reserves now under the management of the Interior Department to the Agricultural Department. The balance of the bill provides for the establishment of game preserves, both within and without forest reserves, and provides for the management and the administration of these game preserves. In the Committee on the Public Lands, before which this bill came for consideration, there was no considerable difference of opinion with regard to the provisions of the bill relative to the establishment of game preserves. But there was considerable difference of opinion with regard to the advisability of transferring the forest reserves from one department of the Government to another. I have no desire to occupy the time of the committee at any length on this question, but I feel it my duty as one of the minority members of the committee to submit the views of the minority relative to this proposed transfer. I ask therefore that the views of the minority of the committee be read.

The Clerk read as follows:

The minority of the Committee on the Public Lands, having had under consideration the bill (H. R. 11536) to transfer certain forest reserves from the Interior Department to the Department of Agriculture, and to authorize the setting apart of certain forest reserves as game preserves, make the following report:

This bill authorizes the transfer to the Agricultural Department, from time to time, of the forest reserves now under control of the Interior Department, and we are of the opinion that this very radical change in policy is impracticable, would be unwise, and exceedingly expensive; that it would lead to a very great friction between the Agricultural and the Interior Departments; would necessitate the creation of many new offices; would be detrimental to the interests of the Government and of the people as a whole, as well as of those living on or in the vicinity of the reserves.

The first objection to the transfer is that it is impossible of successful execution, and we call attention to the fact that the bill itself does not contemplate a complete transfer to the Department of Agriculture, but provides "that as to surveys and surveying, and as to exchanges of lien land, patents, titles, and claims, the jurisdiction of the Department of the Interior shall be still retained;" so that instead of the bill providing for a complete transfer it provides for only a partial transfer, and would necessarily lead to a divided jurisdiction.

About the only argument advanced by the majority for the transfer of these reserves to the Agricultural Department is that there is a thoroughly organized Bureau of Forestry in the Department of Agriculture, and that it would be necessary to organize a similar bureau in the Interior Department in order to obtain satisfactory administration of the forest reserves. If there were any weight in this argument at all it would warrant the creation in other departments of the Government of superfluous bureaus for the purpose of using the same as an argument for the transfer of governmental business from a department in which it belonged to another in which someone had succeeded in having an unnecessary bureau created.

If the Bureau of Forestry in the Agricultural Department is indeed a bureau without occupation it should be reduced in size or transferred to the Department of the Interior, but inasmuch as a considerably increased appropriation has been asked for that Bureau for the coming fiscal year the presumption is that the Bureau is already sufficiently occupied.

In order to clearly indicate the impracticability of an attempt to transfer the forest reserves from the Interior to the Agricultural Department, it may be well to state some facts relative to the forest reserves of the country. There are now 41 forest reserves in the United States, with an area of a little over 46,000,000 acres. Upon these forest reserves are located thousands of persons living on unperfected entries made under the land laws of the United States, as well as many persons occupying deeded land. All of the reserves are open to entry under the mineral laws of the United States, and upon many of them prospecting, the staking of claims, the making of mineral entries, and the prosecution of mining industries is being carried on continuously. Lands within the limits of these reserves claimed or owned by private parties may be exchanged for any surveyed nonmineral land on the public domain, and under the law providing for these lieu selections, as they are called, the owners of over three-quarters of a million acres of land within forest reserves have relinquished the same to the Government, made lieu selections elsewhere therefor, and with a few exceptions no decision with regard to the validity of these transfers and lieu selections has been reached by the General Land Office.

When we take into consideration, then, the fact that every acre within all of the forest reserves of the United States may be located, claimed, and, if mineral in character, entered under the mineral-land laws; that in some of the reservations nearly half of the land is in private ownership and a valid

base for a lieu selection, and that upon all of them there are a considerable number of settlers, in some cases, like the Black Hills forest reserve in Wyoming and South Dakota, the reserve being quite thickly settled and containing a number of cities and towns, it will be readily understood how important are the public land and legal questions appertaining to forest reserves and how very large would be the jurisdiction over these reserves of the Interior Department even after the transfer of partial jurisdiction contemplated by this bill was consummated.

The transfer of these reserves to the Department of Agriculture would necessitate a largely increased number of officers for their protection and administration. Last year there were employed on the forest reserves several hundred rangers besides superintendents, supervisors, and inspectors, and it has been estimated that for the coming year there will be employed 7 superintendents, 40 supervisors, 4 inspectors, and 480 rangers, or 531 unclassified positions to be transferred if the reserves were transferred to the Agricultural Department.

In addition to these persons directly employed in connection with the reserves, the Interior Department has a large number of special agents, whose duty it is to investigate and report upon questions of trespass upon the public domain, both in and out of forest reserves, and if the reserves were transferred to the Agricultural Department, inasmuch as these men could not be transferred by reason of their duties connected with the unreserved part of the public domain, it would be necessary for the Agricultural Department to have an equal number of special agents to attend to the cases of trespass on forest reserves, thus duplicating the service, leading to friction and conflict of authority, and inasmuch as the timbered area of the country is very largely outside of forest reserves and ordinarily does not coincide with forest-reserve boundaries, but often extends for many miles over the public domain, questions relating to forest fires and trespass in the same region would often be partly in the jurisdiction of two sets of Government officers—one controlling within, the other without, the forest reserves.

At the present time the Interior Department, having charge of the preservation of the forests on the unreserved public lands as well as within the forest reserves, is enabled to provide for the cooperation of its officers in the prevention of depredation and of destruction by fire of timber both within and without forest reserves, but under the plan proposed two different departments of the Government would have charge—one on either side of the forest-reserve boundary line. That the cooperation now possible, with all the timber on the public domain under the charge of one department, would be impossible with this divided jurisdiction goes without saying.

As the transfer of the reserves would require an additional force of special agents, it would also require the establishment within the Agricultural Department of a legal bureau, inasmuch as there would be constantly arising questions relative to trespass, violation of the laws, rules, and regulations; and inasmuch as the Agricultural Department has now no legal bureau, it would be necessary to establish such a bureau and confer upon it jurisdiction over these matters in order to properly administer the reserves. Timber trespass cases, unlawful inclosures, etc., can not be prosecuted without legal officers; the Interior Department has them, the Agricultural Department has not.

The rights of individuals upon the reserves relative to the free use of timber, the privilege of grazing, etc., depend largely upon the question of the bona fide character of claims held within the reserves, and in making investigations relative to the right of persons to establish and maintain themselves in reserves the validity of entries must first be considered. These questions could only be decided by the Interior Department, and therefore under the proposed bill we would have the spectacle of the officers of one department unable to enforce their own rules and regulations except by reference to another department as to the status of the parties in question and their rights under the law.

Scattered throughout the region in which the forest reserves are located are the United States land offices of the Interior Department, presided over by a register and a receiver, two officers appointed by the President, exercising quasi-judicial functions, to whom are referred in the first instance all land questions arising upon the public domain within or without forest reserves.

In addition to this, the receiver receives and is the custodian of all the moneys now received from the disposal of public lands as well as from fines, settlements, and sales of timber within forest reserves. The bill under consideration provides that all such moneys shall be received by an officer of the Department of Agriculture, and as it is necessary that there should be a bonded officer in the vicinity of the reserves to fulfill the duties in this regard of the receivers of public moneys, this provision of the bill alone would necessitate the appointment of a large number of additional officers as receivers of public moneys for the Agricultural Department. If there were only 1 for every 2 reserves there would be 20, and at the salary paid receivers of the general land offices their salaries alone would be \$60,000 for work now performed by registers and receivers without additional cost to the Government.

But the plea is made in extenuation that not all of the reserves can, under the provisions of the bill, immediately pass under the Department of Agriculture, and therefore there will not be so much additional expense and additional friction as there might be if all the reserves passed under the Department of Agriculture. It is true the bill provides that the President shall transfer the reserves only when it shall be certified to him by the Secretary of the Interior that the boundaries thereof have been fully examined and are deemed to be substantially the permanent boundaries. If there is any reason why the forest reserves should pass from the Department which must necessarily continue to control with regard to all of the land and legal questions, even after the attempted transfer is made, those reasons would apply with practically equal force to all of the reserves.

Among the least important of all questions connected with the reserves are those of the elimination therefrom or the addition thereto of small tracts of land, and there is scarcely a reserve with regard to which any man can now intelligently say that its boundaries are substantially the proper permanent boundaries, and nothing but a much more careful examination than has ever been made of the regions adjoining the forest reserves of the country can determine that fact; but it is assumed that there may be some reserves with regard to which the boundaries may be settled with reasonable permanency, and the bill proceeds on the assumption that this is a particularly important matter and necessarily indicates a distinctive class of reserves, whereas, as a matter of fact, the question as to whether or no certain lands should or should not remain in or be included within a reserve is about the last question which should govern in a matter of this sort.

The assumption in the past that the permanent marking of the boundaries of the forest reserves was a particularly important matter has led to large unnecessary outlays on the part of the Government for special and expensive surveys which may become useless and misleading, as the reserve boundaries are changed from time to time. In practically every instance the boundaries of reserves coincide with the public-land survey boundaries, and they should in every case. Where the boundary lines have been surveyed the forest-reserve officer could readily trace and plainly mark the lines, and where the surveys have not been extended they should be in the usual way, by contract under the General Land Office.

The bill, then, contemplates two entirely distinct forest-reserve adminis-

trations in the country, one under the Interior Department and one under the Agricultural Department; each with its own rangers, special agents, superintendents, supervisors; each with its own system of rules and regulations; and, still further complicating this expensive and impracticable dual arrangement, the Interior Department would still have jurisdiction on all the reserves of the numerous public-land and legal questions.

Reference has heretofore been made to the fact that it is urged that because the Agricultural Department has a Bureau of Forestry it should administer the forest reserves. This might naturally lead to an inquiry as to why a bureau was not established in the Interior Department, which has to do with not only 46,000,000 acres of reserves, their policing, protection from fire, sale of timber, etc., but also the care and protection of the forests widely scattered over all parts of the public domain, rather than in a Department which had no forests or forested areas to administer or control.

In the Interior Department there does not seem to have been any ambition to create new bureaus with high-salaried officers, but rather a desire to economically administer the laws relative to the protection of public timber on and off the forest reserves. With all of the great responsibilities in these matters of the Interior Department, all of this work was carried on until the 1st of March, 1891, in the special-service division of the General Land Office, a division which, before it was given the additional responsibility of the forest reserves, was already overworked; and after the date named the forest-reserve work was undertaken and carried on, not by a bureau, but by a division, whose chief officer is paid \$2,000, compared with \$3,000 paid to the chief of the Bureau of Forestry of the Agricultural Department. This division—small, overworked, and not well paid—has been doing a splendid work in developing a national forestry policy, in protecting the forests on the reserves, and on the unreserved public lands as well, from destruction by fires and indiscriminate cutting; in preventing abuses of the privilege of the free use of timber by settlers; in providing for the sale of the matured products of the reserves; in controlling and limiting the grazing on reserves—in short, in the solution of the many and varied questions which have arisen in the development of a new policy relating to vast areas of woodland widely separated and with every variety of climate, topography, and condition.

It would be very strange if no mistake had been made, but it is an undisputed fact that good progress has been made in theory and in practice, and for the outlay made much good has been accomplished. It must be remembered that the policing and administration of a Territory one and one-half times as large as the State of New York and the protection of the timber on the vast area of public domain has been accomplished with an expenditure last year of less than \$900,000. Many times this sum was saved by the prevention of forest fires, which happily are becoming things of the past on the forest reserves.

It should be borne in mind that the more important questions arising in connection with our forest reserves under the conditions which now exist in them are largely (1) legal questions arising in connection with the determination of settlement rights, lieu-land selections, mining claims, right of way for roads, trails, ditches, canals, telephones, etc., and all of these matters must necessarily be settled and determined by the Interior Department, the Department which is custodian of all the records, has charge of the administration of all the land laws, and has a thoroughly trained legal department.

(2) The policing and administration of the reserves, the protection of the same from destruction by fire and wasteful cutting, the regulation of grazing, of the free use of timber by settlers, the sale and disposal of matured timber; all of which matters can be as well, and most of them much better, administered by the Interior Department than by the Agricultural Department. These are all purely matters of administration which come properly within the jurisdiction of the Interior Department, and not scientific questions which might properly come under the Agricultural Department. It would be entirely a new departure to place upon the Agricultural Department legal questions and police duties.

The Bureau of Forestry of the Agricultural Department will undoubtedly find a large field for useful employment in the study of the questions of forestry as they relate to the entire country, to forested lands in private ownership, as well as those which are a part of the public domain. The study of these questions by the experts of that Bureau need not and should not interfere with the policing and administration of the forest reserves by the Interior Department. It would be strange, indeed, if the Interior Department could not with its administrative force cooperate in every proper way with the Agricultural Department, carrying out any theories of reforestation or improvements which might be suggested by the Agricultural Department, but there is no reason why a scientific bureau should absorb a practical and administrative one. No reason why a bureau of the Agricultural Department, presumably established for the purpose of exploiting theories, should be allowed to supersede a division of the Interior Department organized for and carrying on an intensely practical work.

The idea embodied in the bill of establishing by Executive order game and fish preserves with forest reserves upon the request of the governor of the State in which the said reserves are located meets with our approval. We therefore offer as a substitute for the proposed measure a bill which relates entirely to the establishment of game and fish preserves, and which is appended hereto.

FRANK W. MONDELL.
W. L. JONES.
J. W. FORDNEY.
JOHN F. SHAFROTH.

Mr. MONDELL. Mr. Chairman, I yield the balance of my time to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Chairman, the speech of the gentleman from Iowa [Mr. LACEY] consisted largely of an oration on forestry, which was very eloquent and which contained a great many good thoughts. But this bill has no relation whatever to the question of forestry. It is not a question whether we should have forest reserves. They are already established. It is not a question whether or not we are to have more forests. The Interior Department and the Agricultural Department have each their bureau covering the work of forestry; that of the Agricultural Bureau is a scientific bureau; its officers write essays and books upon forestry and conduct experiments. A very good bureau of its kind; but it has no practical experience whatever in supervising a forest reserve; whereas the bureau in the Interior Department has had the practical management of these forest reserves for ten years. This experience is valuable, and we should adhere to it.

So that this talk of the necessity for forests and the great benefit of forests has nothing whatever to do with this measure.

Everybody is in favor of forest preservation, there is no doubt of that, and consequently the opposition to this bill does not arise from that source at all.

Now, the true situation is this: There are 600,000,000 acres of public land in the United States west of the one hundredth meridian. Of that land about one-half or nearly one-half is what is termed forest lands—much of it mountain lands; sometimes small brush, sometimes small trees, grow on it; very small per cent is good for commercial purposes. It is land that has got to be taken care of just as well as the forest reserves are. Out of this land is carved a forest reserve of perhaps 10 or 15 miles square. Sometimes it is zigzag, running down a stream, being probably only a few miles in width.

The public timber lands and forest reserves abut upon each other, are contiguous to each other. A fire started on the public lands would spread to the lands that are in the reservation, or a fire started upon the reserves will go into the lands that are not reserved but are public lands, and consequently it is necessary that somebody should have the control and care of all of this land, and whenever you attempt to subdivide it you immediately get into complications which always arise from divided supervision and responsibility. Now, Mr. Chairman, the Interior Department has this supervision. The Interior Department has supervision of the timber lands, both reserved and unreserved. Certain provisions are necessary to be made, certain rules and regulations are necessary to be made, applying not to one alone but to both of them. Timber is permitted to be cut in certain instances. They permit the hauling away of the down timber, the cutting of the dead timber, and that rule applies both to the reserves and to the timber that is not in the reserves, and permits are issued by the officers of the Interior Department both to people cutting in the reserves and to people cutting out of the reserves.

That being the case, you can readily see the supervision is interwoven—the jurisdiction, the practical application, the actual work is interwoven so that whenever you attempt to segregate these matters and to say on this land certain rules shall prevail, promulgated by one Department, and on the other side of the line certain other rules prevail you immediately get into confusion, you immediately find that the people who reside in that locality will not know what are the rules on one side or the other. For instance, an order is made that on this side sheep shall not graze, but only cattle, while upon the other side sheep are permitted to graze. Such rules are continually made by the Interior Department, which has comprehensive power and jurisdiction of the entire subject, but it would result in confusion if made by different bureaus. In my State there are six reserves, and to say that in a certain portion of one county certain rules shall prevail, and in another portion another rule, and in some other corner of the State upon a reservation certain other rules shall prevail, can result in nothing but confusion and the conflict of jurisdictions, and must of necessity result in the building up of a large bureau in each one of the Departments.

Mr. CRUMPACKER. Will the gentleman permit a question?

Mr. SHAFROTH. Yes, sir.

Mr. CRUMPACKER. I have comparatively little knowledge of this subject, and I ask the question for information. Do the same regulations obtain within forest reservations now that obtain respecting the public domain outside?

Mr. SHAFROTH. There are certain general rules that prevail over it all, and then there are certain additional rules that are made for the reservations themselves.

Mr. CRUMPACKER. I supposed that was the case.

Mr. SHAFROTH. That is true, but there are certain other regulations that are made.

Mr. MADDOX. Does the Secretary of the Interior want to get rid of this work?

Mr. SHAFROTH. I do not know. When the President suggested it, of course the Department naturally acquiesced. I have no particular love for the Interior Department and no opposition whatever to the Agricultural Department. I do not care whether you transfer the jurisdiction and control of forests or not, provided you transfer everything in connection with it and make it one entire bureau in that Department with jurisdiction over everything pertaining to the subject.

Mr. MADDOX. Is the Agricultural Department better prepared to look after it than the other?

Mr. SHAFROTH. No; I do not think so. I think the Interior Department is, by reason of having had experience, better prepared.

Mr. MADDOX. What is the real object of this bill, anyhow, if the gentleman knows?

Mr. SHAFROTH. I do not know that I can tell the gentleman what the real object of it is, because this provision of the bill is incorporated with another provision of the bill that has no more relation to each other than night has to day. They should never have been incorporated together. The idea of saying that the

forest reserves should be transferred to the Agricultural Department and in the same bill providing the right to create in forest reserves certain game and fish preserves is irrelevant, to my mind. Now, the transfer of the reserves is the only part of the bill that I object to. I think fish and game preserves are proper in themselves.

Mr. BELL. I want to suggest to the gentleman that there is a very serious objection all around these reserves.

Mr. SHAFROTH. The game preserves?

Mr. BELL. Why, that is the worst objection they have.

Mr. SHAFROTH. Well, I did not look at it in that light. I knew of no objection there.

Mr. BELL. That means driving off the horse, the sheep, and the cow and the putting on there of the wild animals in their stead; and it reduces the value of every ranch near those reserves.

Mr. SHAFROTH. I apprehend that these fish and game reserves are not going to be very numerous, and you will find that there is a clause in the bill which says that they can not be established without the consent of the governor of the State.

I am now directing my attention to that feature of the bill which says that the bureau which exists in the Agricultural Department and which is a mere scientific bureau, that writes good essays and good books upon forestry, that that little bureau, consisting of 39 men, shall be vested with all the authority and with the practical workings of the entire forest reserves of the country.

We find in the forestry bureau of the Interior Department there are some five or six hundred men, and yet this bill is to put the five or six hundred over into the Department of the 39, and not the 39 over among the five or six hundred. It seems to me that when the men of the Interior Department have the practical experience, when they have been administering the affairs of the forest reserves for the last ten years, and have done it well, it is absolutely foolish to talk about transferring that Department to the control of men who have written learned essays upon scientific subjects of forestry.

Now, Mr. Chairman, I shall propose some amendments to this bill. In the first place, I would rather that the Forestry Bureau of the Agricultural Department should be transferred to the Forestry Bureau of the Interior Department. When that is done you will have one entire department controlling both the lands that are in the forest reserves and the public lands that are out of the reserves. If that fails, I shall offer, or someone upon this side of the question will offer, an amendment transferring the entire Land Department of the Interior to the Agricultural Department. I have no objection to the Agricultural Department, none whatever, and I am perfectly willing that they should have the control and care of the entire lands of the United States. What I object to is this dividing up, this slicing off a part and saying that one bureau or one department shall have a certain jurisdiction, limiting it to a certain line, and that beyond that line the other department shall have jurisdiction.

Mr. LACEY. Will the gentleman allow me to ask him a question?

Mr. SHAFROTH. Yes.

Mr. LACEY. Has there ever been any practical trouble found in the military reserves that have been turned over to the War Department in the administration of them by the War Department separate from the Interior Department?

Mr. SHAFROTH. Well, in the first place, in the military reserves, so far as my part of the country is concerned, there has been hardly any care of them at all. There may have been some little military reserves that received some care, but the Pikes Peak Military Reserve, which is a large one, has had no care whatever, except that a man has been stationed on top of Pikes Peak making observations. There has not been the slightest care of the reservation. There has never been a ranger or a person who has attempted to exercise jurisdiction, or stop trespasses, or care for the reserve, except from the Interior Department.

Mr. LACEY. There has been no conflict of jurisdiction.

Mr. SHAFROTH. The reason is that there was no attempt to take care of it. Now, I find that there are certain laws that exist with relation to both these classes of timber lands. A railroad is to be put through them. Some portion of it is under the regulation of the Agricultural Department, and as to the balance of the way the Interior Department has jurisdiction. There are various settlers in these forest reserves. Their possession must be preserved or destroyed under the supervision of one department, and the legal questions must be decided in another department. When a certain policy is to be adopted as to the cutting of timber, the character of timber that is to be cut, whether down timber or standing timber of certain kinds, we find that the Agricultural Department will have jurisdiction and will make recommendations; and yet, if a trespass exists, that matter must go to the Interior Department.

So nothing but confusion can result from attempting to establish a bureau which will take care of a part included in a larger

part of the public lands of the United States. These forest reserves amount to about 46,000,000 acres, whereas the total acreage of public lands that are called timber lands is two to three hundred million acres. Thus the forest reserves constitute only one-sixth to one-fourth of the whole. Now, Mr. Chairman, I want to call attention to the fact that the gentleman from Iowa has said that the Interior Department is greatly crowded with work, that it is the most overburdened Department in the Government.

But, Mr. Chairman, this bill does not relieve the Interior Department hardly in the slightest of the great duty of determining the legal questions arising in forest reservations or concerning the public domain.

Take the question of mineral entry on public lands. You have a right to enter upon the forest reserves and locate a mineral claim. The right to possession and the legal questions arising as to the same are now and must even if this bill passes be determined by the Interior Department. Very little, if any, relief will be given by this bill. Every year a clash of jurisdiction in determining what the miner shall take by his location; as to how much timber he shall cut in order to properly put his mine in working order. That may be determined in one instance, perhaps, by an order from the Agricultural Department and in another by an order from the Interior Department; and if a legal question arises it goes to the Interior Department for settlement. When we take into consideration that the timber lands which are contained in the forest reserves only amount to one-sixth or to one-fourth of the timber lands outside of the reservations, and that the timber on the unreserved lands are necessary to preserve irrigation, they are not going to be disposed of.

The gentleman says the Interior Department is to sell the lands and dispose of them. But any man on the floor of this House or his son will not live long enough to see these lands disposed of, because they are a part of the public domain which can never be taken up as agricultural lands. They are not fit for agriculture, and never will be fit for anything except mining, and you can not find a mine on one acre out of 10,000. These lands are going to be held by the Government, whether they are to be forest reserves or unreserved timber lands. They serve identically the same purpose. The Government has to take care of them, and will take care of them in the future. The Interior Department will still have to preserve the timber on the great public domain not included in reservations, and consequently if this bill passes you certainly build up two bureaus—one in the Interior Department, to take care of five-sixths of the land, the title of which is going to remain in the United States for hundreds of years, and the other in the Agricultural Department, to take care of the 46,000,000 acres of land that are now in the reservations. So that it seems to be clear that by this legislation we are bound to establish two distinct bureaus, antagonistic in some respects, with conflicting jurisdiction as to many questions that will arise with relation to these reservations and public lands.

Now, it is no more necessary to preserve the timber in reserves than it is that upon the unreserved public domain. Why? Because a fire started upon the forest lands will sweep across the country and go into the reserves. The timber on both classes of lands are necessary to irrigation. In the Interior Department there are men who are charged with the duty of examining into forest fires, detecting them, and bringing prosecutions against men who negligently leave camp fires on the timber land of the public domain or who set fire willfully and maliciously to the forests.

You can readily see, as but one-sixth of the forests is to be transferred, that there will be five times as much work in this line retained in the Interior Department. This force should be greatly increased for the preservation of the timber lands of this country, for I tell you, as a matter of fact, that the regulation as to preventing cutting timber is nothing to be compared to the great question of the preservation of the forests from fire. You can have strict regulations enforced against the cutting of timber upon the reserves for eight or ten years, and then there will be a sweeping fire pass over it, and we will have wasted more timber than would have been cut for ten years. That is not only a question of the past but of to-day. There are big forest fires that have been raging in my State in the last ninety days.

Now, Mr. Chairman, that is the reason I object to the provisions of this bill transferring to the Agricultural Department a part of a bureau. It is going to make more bureaus, and they are going to conflict with each other.

Mr. DAHLE. I would like to ask the gentleman about these forest fires. Will it make any difference in regard to these fires if this bill becomes a law?

Mr. SHAFROTH. Yes; if one Department has its officers whose duty and requirement are to put out fires wherever they occur, you can readily see that they are not going to confine their supervision to a reserve; whereas if the Agricultural Department has the supervision it will cause a number of officers to watch out only for its reserve, and the Interior Department, of necessity,

will have to have men to look after the forests which are not contained within the jurisdiction of the Agricultural Department.

Mr. DAHLE. What can be done toward putting out the fires?

Mr. SHAFROTH. Well, I introduced a bill in the Fifty-fourth Congress which I tried to get through and which I thought would have a tendency to solve the question. It provided that the Government should at intervals of 10 miles clear from timber strips of a half a mile in width where no trees should be permitted to grow, and I thought that was a sufficient distance to prevent the leaping of the fire from one piece of timber to another. The committee reported the bill favorably, but I never was able to get consideration of it in the House. I think it a provision which ought to be made, and it ought to be done by one department, by one head, so that it could block out the timber lands under one general comprehensive system.

Mr. DAHLE. At present can much of anything be done toward preventing these fires?

Mr. SHAFROTH. Yes; because there are five or six hundred men who are required to go around and put out these fires. They are called rangers; and wherever a fire occurs they are ordered to go, whether on a reserve, on the public land, anywhere these men go and put it out.

Mr. DAHLE. But do they do any good?

Mr. SHAFROTH. Oh, yes; they do put out the fire, but the rain and change of the wind are the principal things that puts it out. They, however, often prevent the spread of fire. By watching carefully, destructive fires can be prevented. The force ought to be increased in the Interior Department; but I do not want the Agricultural Department to have one set of men and the Interior Department have another set of men, so that one man can say, "It is not my duty to go over that line and stop the fire, while another says, 'I have nothing to do with the fires on that side of the line.'"

Men do not like to put themselves to any great deal of trouble, and you will find that the spirit will exist that there will be a rivalry between them as to whether the public land should require the attention of this set of men or that set of men. It will have a tendency to let a man say, "I do not care for that fire; that is another man's business." I believe that every business should be conducted as far as possible under one head. Here are 300,000,000 acres of timber land, and to say that a portion of the forest lands should be under this set of men and a portion under another jurisdiction is not wise. We do not do it in our own private affairs, and it ought not to be done under Government administration.

How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has seventeen minutes.

Mr. SHAFROTH. I yield the balance of my time to the gentleman from Colorado [Mr. BELL].

Mr. BELL. Mr. Chairman, I shall refer to the history of these reservations and to what they are. In the first place, they were most all located without the request of anyone near their sites and without the knowledge of anybody near their locations. The greater number of them were set apart under the Administration of President Cleveland. When they were set apart everyone near them thought that they were to be new national parks. The people inquired of the Secretary of the Interior, "What are you going to do with Battle Mountain Reservation? What are you going to do with White River Reservation?" They thought that they were to be cared for and run the same as Yellowstone Park. Immediately they were informed by the Interior Department of the Government that the object was not to spend a single dollar on any of these reservations, that they would not interfere with the general range privileges.

The only thing, said the Interior Department, that we intend to do is to keep down the fires, protect the timber, etc.; that the snows may be conserved to water the country below. That was declared year in and year out to those living around these reserves.

What has been the result? The result has been that they have taken in for the White River and Battlement-Mesa reserves near me about 2,000,000 acres of ground. In the country where White River Reserve is they did not leave a place where anyone could get a load of wood or a stick of saw timber except on that reservation. They took many valleys. They took a great deal of country that had not a stick of timber on it, but they said that vegetation would keep the snow from melting, and that the reservation would be open to the settler for grazing purposes. Now, I want to suggest a thing that few of you have thought of, and that is that in the year 1901 more homesteads were proved up, on the public domain, than during any other year in the history of this Government.

Yet we talk about the public domain being exhausted. A few days ago the Commissioner of the General Land Office stood before the chairman of the committee, who presented this bill, protesting against his bill for leasing the public domain. He said: "You must not lease it; you must not interfere with it;" and he presented the figures showing that last year there were

more homesteads entered than in any other year since this Government was established. When he was asked for his reason he said that the good land had all been exhausted; that home hunters were more numerous than ever before since the Government was first founded; they went forth searching for suitable locations, and if they found poor land near a range, with a little stream of water, they planted their homes there.

They did this, the Commissioner said, because they knew that there was a great Government range adjoining that poor land; they could get a few cows and could have the benefit of the public range, and therefore manage to make an existence. But, said he, if you begin to lease the public lands you stop this settlement. "I ask you," he said, "not to lease this land. It will stop settlement."

Now, I want to say his argument will apply to these timber reserves as forcibly as it did or does to the leasing of the public domain. And, Mr. Chairman, the sole purpose of this bill is not to transfer the control of these reserves to the Agricultural Department; it is to build up a lot of English game preserves in this country—to drive out the cow and the horse and the sheep from these 46,000,000 acres, or certain portions of them, and to fix up preserves for game and fish for the sportsmen. It is to subvert the necessities of the poor to the sports of the rich.

Now, I am interested in this particular matter, for in my district is located the point where it is proposed to make a game preserve of a million acres. The intention unquestionably is to take the White River Reservation of over a million acres and convert it into a game preserve for the sportsmen. The minute you do that you will reduce by 50 per cent the value of every ranch that borders on that reservation.

You can not keep game on one of these reservations and allow cattle and horses to run upon it. You can not keep them on those reserves and allow the cowboy to ride through. You must make the reserve exclusive; and in my judgment there is not a man, not a woman, not a child living adjacent to one of those reservations who will not be up in arms whenever you begin to drive out the horse and the cow and the sheep who took land which was absolutely worthless except for the privilege of a public range. You purpose converting this into a public game preserve in order that a lot of men with leisure to spend pleasantly may come out and hunt, fish, and revel in those mountains.

Mr. Chairman, there is much in what my colleague [Mr. SHAFROTH] said about this divided authority. When I am at home I look almost every time I step out of my door to the Battlement Mesa Reservation, one of the greatest mountains in the entire Rocky Mountain chain. Throughout last summer I sat at the table with a ranger three times a day; I talked with him frequently. He had one fire on that reserve last summer. What did he do? He gathered 30 men and a number of livery teams and went up there and put it out; and he did not stay there a single minute after he put it out. He never went up there until he saw the smoke rise. He watched a stretch of country over 200 miles in length from the town of Montrose.

He was the only man in the Uncompahgre Valley on such duties. He did not need to go to any portion of that range until he saw indications of fire. He had two fires—possibly more; I remember two. He was not within 30 miles of either when they started; but in that clear atmosphere he could see the smoke easily for 30 or 40 miles as soon as the fire was started. He put out one fire on the public domain to my knowledge, at least 50 miles from the one on the reserve. A land office is there. The land officers have in view all the time the preservation of timber. The timber agents of the Interior Department are upon the field constantly.

I want further to have it understood that these reserves were not set apart for the commercial value of the timber. Bear in mind, where I live there are 2,000,000 acres in two reserves. On these reserves the timber is a spongy pine and hemlock, which no man undertakes to build a nice house of. You talk about this timber as if it had a great commercial value. But it is generally scrub timber. These reservations have been set apart at the head of the great streams, some of them pretty near as high as the timber will grow, and the timber is, as I have said, inferior in kind and quality. This mountain pine is soft, spongy, and there is no body to it, and where I live, surrounded by this timber on all sides, we do not offer to clapboard, floor, or ceil a house with that timber; it is not fit for it. The principal part of our timber for building houses is shipped from Georgia, or Texas, or Oregon. The timber growing in our region was set apart, as we were informed, to preserve the snowfall, to supply the rivers in the bottoms late in the summer, and for no other purpose.

Now, let us not get it into our minds that we preserve these for the commercial value of the timber or for the beauty of it. If so, the nearest reservation to me would be worthless, and we ought to abandon it now, because no man can get a stick of timber from the reservation. Why, it is almost impossible to get up

there at all. It is on an elevated mountain that you can stand off and look at 75 miles away, and which looks as if it were but a few miles distant. There is no way to get timber from there; there is no way to get it off the mountain. It is absolutely worthless except for the purpose of maintaining the snow fall. Now, that is all we want it for. That was all it was intended these reservations should be set apart for.

Now, it would be an absolute fraud upon the settlers that this Government induced to go and locate around those reserves, to now say that it will convert this reserve into a game preserve. Let me give you a little illustration. The gentleman from Iowa [Mr. LACEY] had before his committee almost constantly for two winters here an organization trying to rent a million acres of ground in New Mexico for the purpose of establishing a buffalo herd. That organization remained here and lobbied, and it is my understanding the gentleman from Iowa [Mr. LACEY] thought that they ought to have it. I heard a man stand at the end of the table in his committee and say to that committee, "I will give you \$25,000 in cash for what these men ask for; give me the lease that these men ask for, and I will give you \$25,000 in cash."

He stood here and begged and pleaded for a reserve. I want to say to you, pass this bill and I know that the sporting elements will be before the governor of the States asking that he ask that some of these reserves be set apart for fish, for game, for hunting purposes. The cowboy, the sheepman, and the horseman, who located there under an invitation from this Government with the understanding that they would have the privilege of that range, and located for that purpose alone, must be driven out. Now, is it not remarkable that the men who signed this minority report are men from right around those reserves? Mr. JONES, from Washington, Mr. MONDELL, from Wyoming, Mr. SHAFROTH, from Colorado, and the other gentleman from Michigan. They know the conditions. They know that in those States this means ruin to those settled around the reserves. I admit that we have more lions, more elks, more deer in the White River timber reserve than can be found in any other like country in America.

Mr. LACEY. Will the gentleman permit a question at this point?

The CHAIRMAN. Does the gentleman yield?

Mr. BELL. Yes; certainly.

Mr. LACEY. Is it not true that all the gentlemen who signed the minority report favor the bill with the single exception of the transfer to the Department of Agriculture?

Mr. BELL. I do not know what they do, but I want to say that if they do—

Mr. LACEY. That is what they say in their report.

Mr. BELL. If they do favor it, they do not understand in Colorado the sentiment of the people surrounding the reserves. Around the Battle Mountain Reserve, near where I live, are 10,000 people settled. Ten thousand people surround that reserve. Around the White River Reserve they are dependent on the use of the reserve, because it takes in all the timber and the intervening parks. The settlers have complained from the day the reservation was set apart. They have insisted that it be limited. They have been insisting that the parks be taken out. There has not been a Congress since that we have not been flooded by petitions from everybody around that reserve saying that the reserve as it now stands ruins an entire county.

They have been quieted by the assurance from the Secretary of the Interior that the only disturbance would be that they would protect it from fire and timber destruction. I want to say to our friends who are so anxious for reserves, if they insist upon these continued encroachments they will find every man from the Western domain coming on here with one voice and asking to abolish everyone within the limits of these States.

This is an all-important matter where I live. We are located right in the heart of the Rocky Mountains. An acre of level land where I live is like a speck on the map of the State, compared with the mountain ranges. Nearly all the country is mountainous. There are two great mountain ranges, rising as high as 14,000 feet and upward above sea level. These ranges are parallel, and they are now and then bisected by cross ranges. Between them you will find little parks. That is the condition of the country.

The region was settled, not for agriculture, because you can not grow things there of any consequence to export. The settlement was for the purpose of engaging in the stock-raising industry. A man will locate upon a piece of land, if he can find a stream, with 1 acre or 3 acres or 5 acres or 10 acres of level ground, with the understanding that he can have a little bunch of cows and let them run in the mountain ranges. It is true that no one acre furnishes much feed, but where there are 100,000 or 500,000 acres of mountains to 1 acre of valley it gives a man a chance to have his cattle range over a great area of country.

It is the most common thing for a man to have his cattle as far as 40 and 50 miles from the home camp. He has some advantages

there. The mountain ranges fence in the stock. They can not get out unless they walk a railroad track down some stream, and they never do that. This country was settled because of these facilities. The White River can not grow a farm product that it can export, but Congress and the Government invited settlers to go upon the White River and locate the land. They have gone and located all around the head of White River. They have located there for stock-raising purposes. They have located there with the understanding that they can use these ranges. After they got there this reserve was set apart, never being surveyed, but the lines being drawn in the city of Washington.

One of the main objects of this bill is and will be to convert that reserve, not into a conservator of snow, but into an English game reserve. It would make a sportsman's paradise. Ah, but the gentleman says, we will have to get the consent of the governor of your State. That reserve is 250 miles from the capital. It is an extreme corner of the State. The capital and Colorado Springs and other places have many men full of sporting proclivities. Those men will gather in and about the capital and say to the governor of the State, "Yes, make this a game preserve. Let us raise buffalo, let us raise deer, let us raise game on that park, and we will go down there in the hot weather and kill mountain lions and deer, and we will fish." You may bring all these things about, but I want to say that if you do you will squeeze 50 per cent out of the value of every ranch located around that great reserve. Do you want to do that? Is it the business of the Government to do that?

Are you so interested in having a game preserve and a fish preserve put upon us against our interests, against our protests, that you will ask it? Ask it at the expense of the hardy, poor, and forlorn settlers who have gone into that rugged country and reclaimed it? I do not believe you possess such hardihood.

I am talking earnestly, because when at home I sit under the very dome of one of these reserves. The promise was made to us that they should not interfere detrimentally with us. The promise was made to us that there would be no improvements made. We have had innumerable assurances to this effect. We have also had verbal promises time and again. Let them exist with the original object, to conserve the snow for the water supply, and be limited to the timber and there will be no objection; but you convert them into something else and you perpetrate an injustice.

I am sorry if the minority of the committee think the people do not object to the fish and game preserve feature. I know that in Colorado, and especially in my district, we want none of your game preserves; we want none of your fish preserves; we want no rendezvous for idle sportsmen; at least we do not want to drive out the cow and the sheep and the horse and to destroy the value of the land that was located and paid for there with the understanding that the stock of the settler should range on this part of the public domain for the purpose of entertaining a sporting army.

This bill is ill conceived. It is gotten up by men 2,000 miles away from the situs of the land. It is not in the interest of commercial timber; it is not in the interest of ornamental timber. This bill is for the purpose merely of converting these great areas of land into a sportsman's paradise at the expense of the pioneers who have reclaimed that country. I protest against it, and I do not believe you want it. Why, my friends, what will the forester do there? It is unfortunate, probably, that we got a forestry association so quickly, before we were ready for it. They could not plant a tree on one of these reservations and make it grow.

No tree will grow there except the scrub pine and quaking aspen, and, as I said, the only enemy of that country is the fire which comes there periodically. These men put them out now and then; sometimes they do not. If anybody is interested in preserving that timber it is we who have bought the ground below and want to use the water it conserves and want the game preserved; but we do not want to drive out the domestic animals for the purpose of preserving this for a game preserve. I think it will be unfortunate if you pass such a bill. I have no idea it will become a law, because the Senate of the United States, where they have a habit of considering these things for a considerable length of time, will have to wait till the people are heard from.

Now, I have said all I wish to say. I do not doubt the good faith of the gentleman from Iowa [Mr. LACEY], the chairman of the committee. He is too anxious to benefit us in that far-away country. If he would only go out and live there and stand some of the deprivations and hardships that those persons undergo, he would know better how to look after their comfort. He would sympathize with their necessities rather than for a few sportsmen that come out thirty days when the sun is high and when there is no hardship to undergo.

Mr. KLEBERG. Mr. Chairman, proceeding in my own right, I wish first to send to the Clerk's desk and have read a part of the President's message.

The Clerk read as follows:

At present the protection of the forest reserves rests with the General Land Office, the mapping and description of their timber with the United States Geological Survey, and the preparation of plans for their conservative use with the Bureau of Forestry, which is also charged with the general advancement of practical forestry in the United States. These various functions should be united in the Bureau of Forestry, to which they properly belong. The present diffusion of responsibility is bad from every standpoint. It prevents that effective cooperation between the Government and the men who utilize the resources of the reserves, without which the interests of both must suffer. The scientific bureaus generally should be put under the Department of Agriculture. The President should have by law the power of transferring lands for use as forest reserves to the Department of Agriculture. He already has such power in the case of lands needed by the Departments of War and the Navy.

Mr. KLEBERG. Now, Mr. Chairman, I heartily concur in the recommendation of the President of the United States. I do not often agree with a Republican President, but I think that this is one of the fine recommendations in that great message which the President has delivered to the Congress of the United States. The fact is emphasized there that this Forestry Bureau should be where it properly belongs—in the Department of Agriculture. The Forestry Bureau in the Department of the Interior is there more especially for the protection of forests against fire. The fact is apparent and is known to everybody who is acquainted with the subject, that the depredations which are committed upon the forestry grounds are not only by people who cut trees and possibly permit the fires to get out in the waste, but by the raids of the cattle men and the sheep men who denude the ground of all the grasses and the young growth of trees.

I think possibly one of the strongest arguments that could be made for this bill and for this intrinsic and well-thought-out policy is the argument made by my friend from Colorado. I think by the presentation of the facts that we have had from him there can be left no doubt that under the present system large herds of cattle and sheep are permitted to graze without let or hindrance in these forest reserves, which not only crowd out the game and wild animals there, but will possibly finally exterminate them and denude the soil of those native grasses to such a degree that floods and rains will go down and fill up the streams with silt and sand and utterly destroy the springs from which the streams are now fed.

The gentleman speaks of White River in his State and the necessity his people have for the use of the water there. Well, I predict if this predatory use is made of the large forest reserves for many more years that the river will be filled up with silt; that the forest which is there now will possibly soon cease. The old trees are of not much value, but all the young growth, the young trees, should be protected and fostered by scientific culture and management. I therefore think that this argument he has made presents the strongest reasons for protecting these forest reserves. I think it is of the utmost importance that their predatory use should be stopped by the Government. I do not mean to say that these people should not be allowed in a reasonable manner the use of some of the native grasses there, and the use of some of the trees under proper supervision of the Secretary of Agriculture; not by any means. But the argument of the gentleman, I think, discloses the principal opposition to this bill, for all they are after is free grass and free timber.

While I am not here to encroach upon the rights of any people in the use of the grass and the timber in a legitimate way, I do not think that this great body ought to stand up and suffer the utter destruction of these forest reserves, of the native growth of those forests, and thereby, possibly, not only destroy them, but actually dry up the rivers and the streams. These forest reserves ought to be placed, as intended in this bill, under a body composed of scientific men, such as we have now in the Forestry Bureau of the Agricultural Department. It is a part of agriculture to save the trees, and the management of the forests under the Agricultural Department is not only the preservation of the trees but the natural reservoir of water which is necessary for the adjacent arid or semiarid lands; and yet, if we are to follow the argument of the gentleman, why we will expose them all to the predatory use of some people who happened to be nearby, who could possibly drive their herds promiscuously over the lands, and may use some of the timber.

I think it is high time, as has been pointed out by the Chief Executive, to preserve these forest reserves and to preserve with them the natural game that live within their bounds, and thereby to have the nucleus to restock the adjacent country. The idea of saying that this will be a game reserve for the nabobs, for gentlemen who live abroad, is to beg the question. The idea at the foundation of this bill is to preserve the public forests and preserve the streams and to place forestry under scientific and practical management at the same time. There is not a civilized nation in the world that has not a department of forestry; and it is high time that this great United States should preserve its forests, at least as far as the Government forests are concerned.

Now, I am aware that time is passing and that we should consider this bill by sections. I wish to express my full approval of it and hope that gentlemen on this side will support it heartily. I will now yield to the gentleman from New York [Mr. PERKINS].

Mr. LACEY. Before the gentleman from New York begins I will ask unanimous consent that at the conclusion of the gentleman's remarks general debate shall close.

Mr. CANNON. Does my friend think that he can finish the bill to-night?

Mr. LACEY. No; but we can get to reading it by sections. I do not know whether we could get through with it to-night or not.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I want a little time.

Mr. LACEY. How much time does the gentleman want?

Mr. WILLIAMS of Mississippi. A short time.

Mr. LACEY. Mr. Chairman, I will withdraw my request.

Mr. PERKINS. Mr. Chairman, I should say nothing about a bill which relates to a district so remote from where I live were it not for the remarks made by the gentleman from Colorado [Mr. BELL]. I have been out in this part of the country a good deal, and I think I can give, for the information of the committee, some facts as to the effects of the forest reserve quite as well, perhaps, as the gentleman from Colorado.

He made an appeal to the members of the committee, saying that one object of the bill is to build up game reservations for English nabobs and the rich men of the East to shoot in at the expense of the poor and forlorn settler that wanted to use this land in the forest reserves.

Now, Mr. Chairman, several times—last fall, for instance—I was out for weeks in the State of Wyoming in the forest reserves, and I wish to appeal to the committee in behalf of the poor and forlorn settler to extend the size and the usefulness of the reserve. When I was out there many of the poor and forlorn settlers, as the gentleman calls them, talked about these cattlemen, but not as the gentleman from Colorado has spoken of them. They called them cattle barons, who drove their cattle and sheep all over the land, to the destruction of smaller owners.

What are the effects of the forest reserve? Take the Jackson Hole district, where I was last fall. There are, perhaps, 250 men there, or six or seven hundred people. I wish to state, Mr. Chairman, that if the forest reserve was destroyed, if the cattle were allowed to range over that country and drive out all of the game, not one man in Jackson Hole would live there. There is no better class of men in the United States. They have their little places of 40 or 50 acres of pretty poor land and some of them one or two cattle, and these small men are not troubled by forest reserve. Every one of them pieces out his living honestly and properly from the use of the land made by those attracted to it because it contains game and other objects of amusement.

I will wager that last fall from seventy-five to one hundred thousand dollars of good cold money of the United States went into the Jackson Hole district from men who came there because the Government preserved the forests, and not one single dollar of that would have gone in if the forest reserves were destroyed. These men are small, not big, cattle owners, and they are thus enabled to earn a livelihood. Have they not just as much right to the attention and support of the Congress of the United States as are the men who want to destroy the forest reserves that they may have their cattle fed free? Is there, Mr. Chairman, any industry in the United States that would have the audacity to come before this Congress and ask what? The right to have the Government furnish them free of charge for all time the where-withal for their industry? How are these small people, these poor forlorn settlers, in whose behalf the gentleman from Colorado speaks, how are they affected? I heard the gentleman from Colorado say, "Will Congress, by this legislation, keep this land for the benefit of the rich men and take it away from the struggling men that want their cattle and sheep on these reservations?"

Now, when I was there last fall they began to drive sheep over into the Jackson Hole country. Those sheep, as everyone knows, are owned almost uniformly by great corporations, by men of great wealth, who send their sheep there to graze free on Government land. Now, where those sheep go they so denude the soil that there is nothing left for the game, and nothing for anyone else. The people with whom I was were all small people—poor people, settlers—having 40 or 50, or possibly at the outside 160 acres, each. And they did what was not perhaps the right thing for them to do. But out West, where a man feels that his livelihood is at stake, that the existence of his family is at stake, and that the courts are a great distance away, he often takes the law into his own hands; and those Jackson Hole people when I was there said: "If the sheep come into the Jackson Hole and graze upon the forest reserves, it means starvation for every one of us." They said: "We have fought before, and we will fight now." What they did was not perhaps right; but the circumstance shows how the poor settlers feel out there.

Mr. CANNON. Does either the defeat or the enactment of this bill mean any change as to the forest reserves?

Mr. PERKINS. Mr. Chairman, I do not know how that may be. I should not have said one word about this bill—for I know nothing about the question of overlapping powers between the Department of the Interior and the Department of Agriculture—had not the gentleman from Colorado [Mr. BELL] risen here and said that behind this bill is the intention of preserving and extending the forest reserves, and his entire speech, as gentlemen of the committee will remember, was against the forest reserves and their effects. For this reason, and for this alone, I have risen to speak in behalf of this bill as if it is, as the gentleman from Colorado says, a bill to extend the forest reserves. If that is the object, I am in favor of it with all my might.

Mr. BELL. The gentleman misunderstood me altogether.

Mr. PERKINS. I heard what the gentleman said about the forest reserves keeping out the cattle and the sheep.

Mr. BELL. No; I said that I was against this bill because it proposes to convert, as I understand, a forest reserve in my district of about 1,000,000 acres into a game and fish preserve and to drive out the cattle and horses—I was about to say the sheep, but they never allow sheep on those reserves.

Mr. PERKINS. The sheep men want to get their sheep in, but they do not succeed because the sheep are shot on the way.

Mr. BELL. The regulations of the Interior Department have never allowed sheep on the reservations in Colorado. The objection I make is that you are going to change the character of the forest reserves into game and fish preserves; and I object to this, especially as to the White River Reserve, because if that were done it would ruin one county of my State.

Mr. PERKINS. I can not speak about the White River Reserve, because I never was there; but I know that where I have been—and I assume the situation is somewhat the same elsewhere—the desire is to bring the cattle into the forest reserves that they may feed on Government land free of expense to the owners. That is the policy pursued by the great companies owning cattle there.

Now, the gentleman from Colorado knows and I know and everybody knows that the cattle ownership there is, for the most part, on an enormous scale. The cattle-owning companies are, in their way, as formidable as the beef-packing companies, and they are the people who insist on having their cattle live free upon this Government land, though they know the necessary result is that it drives away all forms of game and deprives the settlers of a means of livelihood, although they are as 100 to 1 compared to these cattle owners.

Mr. BELL. The gentleman will allow me to suggest that since the settlement of the valleys in Colorado there has not been, I think, a single large herd of cattle in that State. If there has been any such, I do not know it.

Mr. PERKINS. There are such in Wyoming; there is no doubt about that.

Mr. BELL. The difficulty in my country has been about wintering them out there.

Mr. PERKINS. I have met a good many of the men out there who are small owners; I talked with them last fall when I was there; and they are unanimous in thinking that their interests demand the preservation and extension of the system of forest reserve and keeping out the cattle and sheep. As I was about to say when interrupted, so strong is this feeling in the Jackson Hole territory that these men went out and shot the sheep that came in there. Undoubtedly this was a lawless act.

But when anyone gets up in Congress and says that we are required to allow these sheep and cattle to range through the Government lands, when I have seen with my own eyes settlers, poor men, small owners, go out with their rifles and take their lives in their hands and put the law in defiance to keep the sheep off, they will not get my vote in Congress for any bill the object of which is in any way to diminish or lessen the usefulness and the extension of the forest reserves; and if my friend from Iowa [Mr. LACEY], the chairman having charge of this bill, says that it will assist in developing and preserving the system of forest reserves, then I will vote for it, believing that in so doing I am standing for the interests of by far the great majority of the people in the district affected by it.

Mr. KLEBERG. Mr. Chairman, I yield ten minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Chairman, I regard this as one of the most important bills which has appeared before this Congress, not because of its immediate effect, but because of the remote effect, or, rather, because of the remote effects to ensue from not passing it. Every enlightened nation on this globe, so far as I know, has national forest reserves. The objection to the nonprotection of the forests at the head of the great water courses of a country are patent, whether judged a priori by the theories of scientists, or a posteriori by the experience of mankind.

The objections, from the standpoint of agriculture and of navigation, of the nonprotection of forests have been explained to the world again and again. I am not going to enter into that here, further than to say simply this, that when the forests are kept in their pristine vigor upon the mountains and hills at the heads of the great water courses the natural herbage and the roots of the young and tender trees act as a sponge, or, rather, make the soil act as a sponge. The water goes down into the soil, feeding the subterranean streams going out through them into water courses. When the timber is destroyed and the natural herbage and young shoots are destroyed and only the old trees or nothing is left, whether the destruction takes place by fire, by the ax, or by sheep grazing, some things follow of the very utmost evil tendency.

In the first place, the soil ceases to act as a sponge and take up the water as it falls, and the water runs down the sides, forming gullies, and making immense denudations and erosions, first, filling up with silt the water courses below, rendering the streams that were formerly navigable nonnavigable, and secondly, as a consequence of filling up the bottoms, the streams are caused to overflow their banks and destroy all the agricultural lands upon their sides, or at any rate, making cropping such lands unprofitable or uncertain.

Mr. SHAFROTH. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. WILLIAMS of Mississippi. Yes.

Mr. SHAFROTH. Your explanation and your statement are very fine, but as a matter of fact will not forests be preserved, no matter whether they remain in the Interior Department or the Agricultural Department?

Mr. WILLIAMS of Mississippi. Mr. Chairman, the forests will not be preserved whether they remain in the Interior or the Agricultural Department, and now I am going to prove it. We have now pending before this Congress a bill which would not be here but for the fact that forests have not been preserved. There is a bill pending here now for the United States Government to spend somewhere between five and ten millions of dollars to buy from private ownership the lands in the Appalachian chain through western North Carolina, East Tennessee, the Virginias, north Georgia, and north Alabama for the purpose of trying to remedy the very evil which has come from the neglect to preserve the forests at the head waters of the great system which we call the Mississippi Valley, the Monongahela, the Allegheny, the Ohio, the Tennessee, the Cumberland, and all the way down; and I have no doubt of the fact that if the forests had been preserved in the beginning, the navigation upon those upper streams would have been preserved in so much better condition than it is now that the United States Government would have saved on river and harbor bills five times the amount that is asked to be appropriated for the purchase of these forests.

Now, I am not expressing an opinion upon the Appalachian Forest Reserve park bill, because it is a totally different thing to buy lands from private ownership for the purpose of establishing a forest reserve and to take the lands which you already have, which the Government owns, with which it can exercise every act of ownership, and, taking "a stitch in time" so as to "save nine," prevent by reservation and practical, scientific management the necessity of ever having to consider the question as regards the forests at the head of the water courses that are fed from the Rocky Mountains. The constitutionality of the scheme of buying lands for forest reserves has been questioned. I do not say it has been questioned by me, but the constitutionality of the Government dealing with the forest lands which it already owns, for the purpose of keeping a sufficient acreage of them in reserve to help the great causes of navigation and agriculture both, can not be disputed.

Now, Mr. Chairman, I think that a great deal of the opposition to this bill grows out of a confusion of terms. Men are confusing forests and forestry. They are confusing a forest and forest reserve. Hence my friend complains that all of the "forestry" questions are not transferred to the Agricultural Department by this bill. He is mistaken. This bill does transfer all forestry questions and all forest reserves, although it does not transfer all woodlands and all forests. It is by no means necessary to keep in reserve all the woods of a country, and those woods and forests which are not to be put in reserve are and ought to be kept in the public domain subject to entry, preemption, or sale for agricultural and other purposes, and therefore under the management of the Land Office in the Interior Department. So that this bill, and very properly, too, does not transfer forests, but only such parts of forests as are well to be set aside as forest reserves.

Now, Mr. Chairman, I am in favor of this bill for another reason, and a reason which, I think, ought to appeal to every member of the House interested in the question of economy. As it is at present a great deal of duplication of work is going on which will

be saved under this bill. And there again, in trying to answer that argument, some little confusion has arisen. One gentleman said in the debate the other day that the Interior Department had "forestry men" not only in the forest reserves but in the forests outside of the forest reserves. That is a mistake, Mr. Chairman. The Interior Department has rangers in the forest reserves. Outside of the forest reserves it has nothing but special agents, and the business of those special agents is merely to prevent fires upon the public domain and to prevent the violation of the laws of the United States as regards the public domain. They are in no sense foresters. They are not by any means in number equal to the forest rangers, nor do they by any means bring about the same expense, nor is it by any means the same class of work which they do. These special agents are men who ferret out evidence concerning people who have violated the laws, and of course the protection of the public domain not in forest reserves, and the whole detective and law work to be done in connection with this protection, are questions for the Interior Department to consider.

Now, Mr. Chairman, just one other instance of the importance of this. Take another great valley, another great water system in this country, the Hudson, and its feeders and tributaries. The State of New York, after permitting for years destruction by fire and by grazing and by cutting ad libitum, found it necessary to institute a forest reserve in the Adirondacks for the protection of the agriculture of the State of New York, and for the protection of the navigation of its waters. The State being unable to get the Federal Government to do it, did it of its own accord, and now spends about \$4,000,000 a year in keeping up that work.

Now, it can not be possible that Germany, France, the State of New York, and everybody is mistaken, and that this is a question of small importance. When you come to consider the interests of our grandchildren and great-grandchildren, it is a question of the very utmost importance, and it will not do to put it off until they come to consider it for themselves, either; because by that time it will be too late; the erosion, the denudation, the filling up of the streams, and the destruction of the valleys all will have taken place, and it will be too late to remedy the evil. This is a thing which can be prevented, but which after it has once happened can not well be remedied, though perhaps it can be prevented from growing worse.

Mr. SHAFROTH. Does not the gentleman recognize that this talk about the Appalachian and Hudson River reserves is not at all applicable to this question, because the reserves on the public lands have been marked out and determined, and are going to remain whether the Agricultural Department has the care of them or whether the Interior Department has the care of them?

Mr. WILLIAMS of Mississippi. Well, I will answer that. One of the very reasons why I want this bill passed is this: Agriculture is but an incident to the management of the forestry question in the Interior Department. The interests of agriculture will be the object when the Agricultural Department comes to designate and manage the forestry reserves. They will have in control and management men who have been trained as foresters, not trained as mere special agents; men who will know just how to mark the trees to be cut, just how much cutting to permit, just how much grazing should be permitted, and still at the same time keep the forests at the head of the streams what God evidently intended them to be—an ever-living and ever self-renewing thing.

Now, the Interior Department has demonstrated already that it is either incapable or unwilling to do this work properly. I think it was not unwilling, but it was because the main purpose of the Interior Department was totally another purpose. The Interior Department itself recognizes the superior fitness of the Agricultural Department for the work, and recommends the passage of this bill and the consequent transfer. When it is handed over to the Agricultural Department, the object of the Agricultural Department will be to prevent the very evils of which I have spoken, and in order to prevent them, to do the very things which I have mentioned, and not merely to detect and prevent depredations.

Forestry is everywhere regarded as an agricultural science. It is akin to agriculture in its every lineament. There is not a thing that the forester studies in regard to forest reservations at the head of the great water courses which is not studied and worked out with a view to the ultimate benefit of agriculture in the valleys and upon the slopes. Now, the Interior Department can not do that. The Interior Department would have to change its entire personnel before it could do that sort of work.

Mr. SHAFROTH. I would like the gentleman to yield to me for a moment. These forest reserves are on high mountains, mostly in the Rocky Mountains. If the gentleman has ever been on one, he will find that over three-fourths of the trees grow out of crevices in the rocks that would be impossible to support a system of raising timber like you see done in Germany and in

France. These places are eight, ten, and twelve thousand feet above the sea level, and they are under conditions and of a character that is not like those places where timber can be raised for commercial purposes.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I think that the authorities, when they come to mark out their forest reserves, are hardly going to mark them out above the timber line on the mountain tops. They will be within the timber line, then timber will grow on them. At any rate, they will not mark out a forest reserve where no forest can grow.

Mr. SHAFROTH. You will find that they have done it, and that these forest reserves are above the timber line.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. Just a moment more. My reply to that would be this: That if they have marked out as a forest reserve and now attempt to manage as a forest reserve lands upon which timber will not grow, and hence where there can be no forests, it is but another proof of the incompetency of the Interior Department to handle this question.

Mr. SHAFROTH. I will state to the gentleman, in reply to that, that the very gentleman in charge of the Bureau in the Agricultural Department is the man who has laid out the most of these lands.

Mr. JONES of Washington. That is true.

Mr. WILLIAMS of Mississippi. If that be true, some gentleman more competent to lay out forests ought to be found than the one who lays them out on lands where there is no chance for a forest to grow. Perhaps in reserving forest slopes intervening bald knobs or mountain tops had to be taken in because they could not well be left out—intervening areas.

Mr. RODEY. There is a big one of that kind in the Territory of New Mexico.

Mr. LACEY. I ask unanimous consent that general debate be now closed; and I give notice that if that consent is given, I will move that the committee rise.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that general debate be now closed. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11536 and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12797. An act to ratify act No. 65 of the twenty-first Arizona legislature;

H. R. 14146. An act granting an increase of pension to John Murphy;

H. R. 10752. An act granting a pension to Harriet T. Milburn;

H. R. 11249. An act granting an increase of pension to Katharine Rains Paul;

H. R. 8924. An act granting an increase of pension to George W. Mathews;

H. R. 9290. An act granting a pension to Frances L. Ackley;

H. R. 11831. An act granting an increase of pension to John W. Ackers;

H. R. 13450. An act granting an increase of pension to Henry Hunt;

H. R. 13217. An act granting an increase of pension to Thomas W. Dodge;

H. R. 11812. An act granting an increase of pension to Martin Boice;

H. R. 14241. An act granting an increase of pension to Peter Dugan;

H. R. 14184. An act granting an increase of pension to Andrew J. Fogg;

H. R. 8003. An act granting an increase of pension to Louisa M. Macfarlane;

H. R. 13398. An act granting an increase of pension to George G. Sabin;

H. R. 2430. An act granting a pension to Lizana D. Streeter;

H. R. 7076. An act granting an increase of pension to Leath Gilliland;

H. R. 11495. An act granting a pension to Mary A. Bailey;

H. R. 5273. An act granting an increase of pension to James Van Zant;

H. R. 3241. An act granting an increase of pension to Hinkley G. Knights;

H. R. 13296. An act granting an increase of pension to Francis Scott;

H. R. 11052. An act granting a pension to Nelson Johnson;

H. R. 13613. An act granting an increase of pension to Charles G. Howard;

H. R. 7704. An act granting an increase of pension to Christanna Leach;

H. R. 10773. An act granting a pension to Archer Bartlett;

H. R. 11252. An act granting an increase of pension to Edwin M. Gowdey;

H. R. 3733. An act granting an increase of pension to Israel Haller;

H. R. 6030. An act granting an increase of pension to William G. De Garis;

H. R. 3910. An act granting a pension to Dennis J. Kelly;

H. R. 5984. An act granting an increase of pension to William H. Van Riper;

H. R. 3678. An act granting an increase of pension to John Washburn;

H. R. 1741. An act granting an increase of pension to Griffith Evans;

H. R. 2606. An act granting an increase of pension to Albert H. Steifenhofers;

H. R. 11686. An act granting a pension to Eleanore F. Adams;

H. R. 5186. An act granting a pension to John Conter;

H. R. 9496. An act granting a pension to Forrest E. Andrews; and

H. R. 351. An act granting an increase of pension to Robert Carpenter.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, also, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 949. An act for the relief of Charles H. Robinson;

H. R. 7687. An act granting an increase of pension to Charles C. Washburn;

H. R. 9592. An act granting a pension to Emily Briggs;

H. R. 12085. An act providing for the completion of a light and fog-signal station in the Patapsco River, Maryland;

H. R. 1992. An act granting the right of way to the Alafia, Manatee and Gulf Coast Railway Company through the United States light-house and military reservations on Gasparilla Island, in the State of Florida;

H. R. 7034. An act for the relief of Navajo County, Ariz.;

H. R. 12796. An act providing for free homesteads in the Ute Indian Reservation in Colorado; and

H. R. 8736. An act ratifying the act of the Territorial legislature of Arizona, approved March 2, 1901, providing a fund for the erection of additional buildings for the University of Arizona.

SENATE BILL AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title and the following resolution were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5906. An act declaring the Osage River to be not a navigable stream above the point where the line between the counties of Benton and St. Clair crosses said river—to the Committee on Interstate and Foreign Commerce.

Senate concurrent resolution 46:

Resolved by the Senate (the House of Representatives concurring), That there be printed 9,000 copies of the document known as "Messages and Papers of the Presidents," of which 3,000 copies shall be for the use of the Senate and 6,000 copies for the use of the House of Representatives, the remainder, if any, to be held by the superintendent of documents, subject to the future action of Congress; and an edition of 10,000 copies shall be printed, to be held by the superintendent of documents and by him sold at the actual cost of publication—

to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BURK of Pennsylvania, for three days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. BALL of Delaware obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of John H. Herbener, Fifty-seventh Congress, no adverse report having been made thereon.

Mr. LACEY. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 54 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a

statement from the Auditor for the War Department in favor of the State of Michigan—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CONNER, from the Committee on the Library, to which was referred the bill of the House (H. R. 8731) to appropriate \$10,000 to inclose and beautify the grounds and repair the monument on the Moores Creek battlefield, North Carolina, reported the same with amendment, accompanied by a report (No. 2416); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WOOTEN, from the Committee on the Library, to which was referred the bill of the House (H. R. 12795) to provide for the erection of a monument to Maj. Gen. Thomas Sumter, reported the same with amendments, accompanied by a report (No. 2418); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 16) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Lee Davidson, of North Carolina, reported the same with amendments, accompanied by a report (No. 2419); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GROSVENOR, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 11987) relating to transportation of dutiable merchandise at subports of Tacoma and Seattle, State of Washington, reported the same without amendment, accompanied by a report (No. 2420); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. STORM, from the Committee on Claims, to which was referred the bill of the House (H. R. 4240) authorizing the Secretary of the Treasury to defray the expenses of contestant in the contest entitled "Koonce against Grady," reported the same with amendments, accompanied by a report (No. 2417); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MANN: A bill (H. R. 15003) to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being the location of the present bridge of said company across said river in said township—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: A bill (H. R. 15004) to authorize the Minneapolis, Superior, St. Paul and Winnipeg Railway Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River—to the Committee on Interstate and Foreign Commerce.

By Mr. MUDD: A bill (H. R. 15005) authorizing the construction by the Commissioners of the District of Columbia of a bridge across the Eastern Branch of the Potomac River from the foot of South Capitol street to Congress Heights—to the Committee on the District of Columbia.

By Mr. FLETCHER: A bill (H. R. 15006) to amend an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1888—to the Committee on Ways and Means.

By Mr. MOON: A bill (H. R. 15007) granting right of way for road through Government reservation north of national cemetery, Chattanooga, Tenn.—to the Committee on Military Affairs.

By Mr. MILLER: A bill (H. R. 15008) providing for the better

separation and utilization of public and private lands within the limits of railroad land grants in the arid region—to the Committee on the Public Lands.

By Mr. POWERS of Massachusetts: A bill (H. R. 15009) to incorporate the Association of Military Surgeons of the United States—to the Committee on the Judiciary.

By Mr. THOMPSON: A bill (H. R. 15010) providing for the removal of the remains of all deceased Presidents of the United States, except the remains of George Washington, and reinter them in the national cemetery at Arlington—to the Committee on the Library.

By Mr. SHALLENBERGER: A resolution (H. Res. 295) asking for information from the Secretary of War—to the Committee on Reform in the Civil Service.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BLAKENEY: A bill (H. R. 15011) for the relief of William S. Tildon—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 15012) granting a pension to William See—to the Committee on Invalid Pensions.

By Mr. GILLET of Massachusetts: A bill (H. R. 15013) granting an increase of pension to Charles H. Barnes—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 15014) for the relief of James H. C. Mann—to the Committee on Military Affairs.

Also, a bill (H. R. 15015) granting an increase of pension to Robert Stewart—to the Committee on Invalid Pensions.

By Mr. RODEY: A bill (H. R. 15016) granting an increase of pension to Addison B. Stone—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 15017) for the relief of the estate of S. M. Davidson, deceased, late of Madison County, Tenn.—to the Committee on War Claims.

By Mr. SLAYDEN: A bill (H. R. 15018) granting an honorable discharge to Asa W. Gipe—to the Committee on Military Affairs.

By Mr. SAMUEL W. SMITH: A bill (H. R. 15019) granting a pension to Moses Walker—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 15020) granting a pension to William P. Slaughter—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 15021) granting an increase of pension to Martha C. Kuhn—to the Committee on Invalid Pensions.

By Mr. LATIMER: A bill (H. R. 15022) granting a pension to George S. Noland—to the Committee on Pensions.

By Mr. POUL: A bill (H. R. 15023) granting a pension to Augustus H. Lougee—to the Committee on Invalid Pensions.

By Mr. WANGER: A resolution (H. Res. 296) authorizing extra pay for George W. Harmer—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of a mass meeting of Jews of Philadelphia, Pa., in relation to the oppressive laws against the Jews in Russia and Roumania—to the Committee on Foreign Affairs.

By Mr. BRICK: Resolution of South Bend (Ind.) Turnverein, in regard to House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of Dudley & Co., of Fairport, N. Y., for a national pure-food law—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Resolution of West Side Lodge, No. 320, Association of Machinists, of New York City, favoring the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. FOERDERER: Resolutions of Jews of Philadelphia, to induce the Government of Russia to withdraw its discrimination against Jews—to the Committee on Foreign Affairs.

Also, petition of the Pharmacopeia of the United States, in favor of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. GRIFFITH: Petition of William Humes and 95 other citizens of Seymour, Ind., for the passage of a service pension bill—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Petition of Dr. J. Pirmat and other druggists of Evansville, Ind., in favor of amendments to the bankruptcy act—to the Committee on the Judiciary.

By Mr. LATIMER: Papers to accompany House bill granting

a pension to George Stout Noland—to the Committee on Pensions.

By Mr. MOON: Paper to accompany bill granting right of way for road through Government reservation north of national cemetery at Chattanooga, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. RUMPLE: Letter of A. P. McGuirts, of Davenport, Iowa, protesting against alleged discriminations in employment of teachers in the Philippine Islands—to the Committee on Education.

Also, resolutions of Northwest Turnverein of Davenport, Iowa, in regard to House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Resolution of West Side Lodge, No. 320, Association of Machinists, of New York City, favoring the construction of Government vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. SMITH of Kentucky: Paper to accompany House bill 12526, granting a pension to Samuel M. James—to the Committee on Invalid Pensions.

By Mr. YOUNG: Resolutions of a meeting of Jewish people in Philadelphia, Pa., favoring the Goldfogle bill relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

Also, resolutions of the American Asiatic Association, favoring the establishment of a trans-Pacific cable by private enterprise—to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, June 10, 1902.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, and, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the bill (S. 3653) for the protection of the President of the United States, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 351) granting an increase of pension to Robert Carpenter;

A bill (H. R. 1741) granting an increase of pension to Griffith Evans;

A bill (H. R. 2430) granting a pension to Lizana D. Streeter;

A bill (H. R. 2606) granting an increase of pension to Albert H. Steffenhofer;

A bill (H. R. 3241) granting an increase of pension to Hinkley G. Knights;

A bill (H. R. 3678) granting an increase of pension to John Washburn;

A bill (H. R. 3733) granting an increase of pension to Israel Haller;

A bill (H. R. 3910) granting a pension to Dennis J. Kelly;

A bill (H. R. 5186) granting a pension to John Conter;

A bill (H. R. 5273) granting an increase of pension to James Van Zant;

A bill (H. R. 5984) granting an increase of pension to William H. Van Riper;

A bill (H. R. 6030) granting an increase of pension to William G. De Garis;

A bill (H. R. 7076) granting an increase of pension to Leath Gilliland;

A bill (H. R. 7704) granting an increase of pension to Christinna Leach;

A bill (H. R. 8003) granting an increase of pension to Louisa M. Macfarlane;

A bill (H. R. 8924) granting an increase of pension to George W. Mathews;

A bill (H. R. 9290) granting a pension to Frances L. Ackley;

A bill (H. R. 9496) granting a pension to Forrest E. Andrews; and

A bill (H. R. 10752) granting a pension to Harriet T. Milburn;

A bill (H. R. 10773) granting a pension to Archer Bartlett;

A bill (H. R. 11052) granting a pension to Nelson Johnson;

A bill (H. R. 11249) granting an increase of pension to Katharine Rains Paul;

A bill (H. R. 11252) granting an increase of pension to Edwin M. Gowdey;

A bill (H. R. 11495) granting a pension to Mary A. Bailey;

A bill (H. R. 11686) granting a pension to Eleanor F. Adams;

A bill (H. R. 11812) granting an increase of pension to Martin Boice;

A bill (H. R. 11831) granting an increase of pension to John W. Acker;

A bill (H. R. 12797) to ratify act No. 65 of the twenty-first Arizona legislature;

A bill (H. R. 13217) granting an increase of pension to Thomas W. Dodge;

A bill (H. R. 13296) granting an increase of pension to Francis Scott;

A bill (H. R. 13398) granting an increase of pension to George G. Sabin;

A bill (H. R. 13450) granting an increase of pension to Henry Hunt;

A bill (H. R. 13613) granting an increase of pension to Charles G. Howard;

A bill (H. R. 14146) granting an increase of pension to John Murphy;

A bill (H. R. 14184) granting an increase of pension to Andrew J. Fogg; and

A bill (H. R. 14241) granting an increase of pension to Peter Dugan.

PETITION.

Mr. SCOTT presented a petition of sundry citizens of Martinsburg, W. Va., praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

TAXATION IN THE DISTRICT OF COLUMBIA.

Mr. STEWART. I present a statement relative to taxation appropriations and the collection of taxes in the District of Columbia. It is prepared by W. C. Dodge, and I think it contains very valuable information on these subjects. It has been prepared with great care. I move that it be printed as a document and referred to the Committee on the District of Columbia.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 12409) granting an increase of pension to Jesse M. Peck; and

A bill (H. R. 3986) granting a pension to Martha A. Cornish.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4722) for the erection of a building for the use and accommodation of the Department of Agriculture, reported it with amendments, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 7986) granting a pension to Clara C. Hawks; and

A bill (H. R. 5328) granting an increase of pension to Samuel Bortle.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1466) granting a pension to Alfred Hatfield;

A bill (H. R. 292) granting a pension to Henrietta Gottweis;

A bill (H. R. 5877) granting a pension to Robert Watts; and

A bill (H. R. 3262) granting an increase of pension to David T. Bruck.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (S. 4067) granting an increase of pension to Julia L. Gordon, reported it with an amendment, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 14374) granting a pension to Samantha Towner, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10954) granting an increase of pension to Mary J. Gillam;

A bill (H. R. 14052) granting an increase of pension to George Fusselman; and

A bill (H. R. 13691) granting an increase of pension to James M. Conrad.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 4211) granting an increase